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COMMISSION ON HUMAN RIGHTS
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ORGANIZATION OF THE WORK OF THE SESSION

REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS AND FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND A GENDER PERSPECTIVE: VIOLENCE AGAINST WOMEN

RIGHTS OF THE CHILD

Note by the Secretariat

In accordance with Commission on Human Rights decision 2002/117, the Secretariat has prepared the present document containing, in the annexes,* a copy of oral statements of non-governmental organizations that, owing to the emergency measures applied during the 58th session, could not be delivered orally in the general debate under a number of agenda items.

* The statements are being circulated as received, in the language of submission only.

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ENG

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Annex I

Item 3 Organization of the work of the session

1. At the 45th plenary meeting, on 18 April 2002, the Commission on Human Rights considered, under item 3 of its agenda, entitled "Organization of the work of the session", the question of the situation of human rights in Colombia. The following statements were provided to the secretariat in written form by those representatives of non-governmental organizations who had indicated their intention of making statements under item 3 but were unable to do so owing to the emergency measures.

2. Statement of the representative of **Nord-Sud XXI** reads as follows:

"Una vez mas el Gobierno y el Estado Colombiano han sido seriamente cuestionados por su política de violación a los derechos humanos. Y una vez mas el Gobierno Colombiano evade su responsabilidad en este asunto y pretende mostrar ante la Comisión y ante la Comunidad internacional que no es responsable y que esta situación reposa en la existencia y degradación del conflicto armado que vive el país.

Este gobierno, que cada año se ha burlado de las recomendaciones hechas por esta Comisión y por la Oficina de la Alta Comisionada en Colombia, no puede sin embargo ocultar completamente su responsabilidad y la del Estado Colombiano en fenómenos como el de la creación, fortalecimiento y accionar de los grupos paramilitares en el país, que como bien lo señala el informe de la Alta Comisionada, son los mayores responsables de las masacres, el desplazamiento interno, las ejecuciones extrajudiciales, los ataques indiscriminados contra la población civil y el asesinato contra los defensores de los derechos humanos, dirigentes sindicales y opositores politicos.

89 masacres fueron cometidas por los paramilitares en el año 2001 en donde perdieron la vida 527 personas. 45 asesinatos han cometidos este año contra dirigentes sindicales en el país. En 2001 hubo más de 1.400 casos de desaparición forzada.

En todo el país se registra un incremento en la presencia y en las acciones de los grupos paramilitares. Ese aumento se ha dado como resultado de una estrecha colaboración con unidades militares y de policía.

Son muchas las denuncias que se han hecho ante la justicia para demostrar la participación de miembros de la fuerza pública con esos grupos y con muchos de sus crímenes. Sin embargo, como lo señala el informe, esas investigaciones nunca terminan en una sanción, aumentando con ello la impunidad que ha beneficiado a muchos oficiales, suboficiales y miembros de los cuerpos armados del estado.

Señor Presidente: el paramilitarismo en Colombia hace parte de una política del Estado orientada a eliminar físicamente a todo aquel que ejerza o pretenda ejercer la oposición al régimen, y orientada además a generar el terror en las zonas campesinas y urbanas.

Como expresión de esa política de estado, es un hecho notorio el que cada vez mas oficiales de las fuerzas armadas de Colombia aparecen comprometidos en masacres realizadas por el paramilitarismo como son los casos ocurridos en La Gabarra (Norte de Santander), Chengue y Ovejas (Sucre) y otros en crímenes y atentados contra dirigentes populares, como el perpetrado en contra del Presidente de la Federación Nacional de Trabajadores Estatales, Wilson Borja. Esos no son casos aislados señor Presidente.

A esa misma política de Estado obedecen decisiones como la revocatoria de la medida de aseguramiento y la consiguiente orden de libertad en favor del General Rito Alejo del Rio, denunciado por organizaciones internacionales de Derechos Humanos por su participación con los grupos paramilitares de Urabá que eliminaron físicamente a la Unión Patriótica y produjeron el asesinato y el desplazamiento masivo de miles de colombianos hacia otras regiones del país. Esa decisión, tomada por el mismo Fiscal General de la Nación, quien desde su llegada al cargo provocó el retiro de varios funcionarios empeñados en investigar y juzgar este tipo de conductas y ordenó la reestructuración de la Unidad de Derechos Humanos, ha enviado un claro mensaje de permisividad que se traduce en la más absoluta impunidad frente los funcionarios del Estado que con su acción u omisión han violado los derechos humanos en el País.

Muchos de esos mismos oficiales no solamente no son castigados por la justicia sino que como premio por sus crímenes son ascendidos a mayores grados dentro de la jerarquía de la Fuerza Pública.

Esa política oficial queda también demostrada Señor Presidente, con la decisión del Gobierno nacional de mantener en las filas del Ejército a Generales que incluso vienen siendo cuestionados por senadores del partido Demócrata de los Estados Unidos por su participación abierta en casos de violación de derechos humanos y paramilitarismo, como son los Generales Rodrigo Quiñones, Gabriel Díaz y Freddy Padilla de León. Este ultimo junto a tres generales más ha sido absuelto, el pasado 10 de abril, por la procuraduría general de la nación en una investigación que se les adelantaba por la masacre perpetrada en Puerto Alvira (Meta), el 4 de mayo de 1988, donde fueron asesinadas 21 personas.

Por eso señor Presidente, esta Comisión debe hacer una resolución de condena al Estado Colombiano por estos hechos y considerar el nombramiento de un Relator especial para Colombia, como mecanismo complementario al trabajo que viene efectuando la Oficina de la Alta Comisionada de los Derechos Humanos en ese país."

3. Statement of the representative of **International Federation Terre des Hommes** reads as follows:

La Federación Internacional de Terres des Hommes viene siguiendo desde hace varios años la grave sistemática y persistente situación de derechos humanos que se vive en Colombia con especial énfasis en la situacion de la infancia y los derechos économicos sociales y culturales .En ese marco nuestra organización viene observando con asombro la ya recurrente actitud de incumplimiento de parte del gobierno colombiano de las recomendaciones internacionales,en una situacion que continua deteriorandose.

En esta ocasion queremos llamar particularmente la atencion sobre la grave situacion que vive el movimiento sindical colombiano . Mas de 180 sindicalistas fueron asesinados durante el pasado año y en estos ultimos meses la cifra ya supera la treintena. A este desolador panorama hay que sumarle las 187 amenazas contra personas pertenecientes al movimiento sindical, los 21 atentados y 25 secuestros registrados por nuestro partenario la ONG Colombiana Escuela Nacional Sindical, entre enero y noviembre del 2001.

El pasado mes de diciembre tras la desaparición y posterior asesinato de AURY SARA, dirigente de la Unión Sindical Obrera USO, la Comisión Interamericana de Derechos Humanos hizo un llamado al Estado Colombiano para que brinde proteccion a sus dirigentes. No obstante, no se constatan resultados practicos . El 25 de febrero era desaparecido forzosamente por grupos paramilitares en el Casanaré el dirigente GILBERTO TORRES MARTÍNEZ. Tan solo pocos días después, el 20 de marzo, era asesinado en la ciudad de Barrancabermeja , RAFAEL JAIMES TORRA, otro dirigente sindical.

Recordamos que el Comité de Derechos Económicos Sociales tras examinar en su pasado periodo de sesiones el último informe periódico presentado por el gobierno de Colombia hizo referencia expresa de su preocupación sobre el alto riesgo y el grado de violencia a que se encuentran expuestos los dirigentes sindicales. El comité exhortó al Estado Colombiano a adoptar las medidas necesarias para su proteccion, procesar y juzgar a los responsables de las violaciones y garantizar la debida reparación a las víctimas, además de garantizar el ejercicio efectivo de los derechos sindicales de los trabajadores.

Sin embargo la impunidad es generalizada, y el accionar de los grupos paramiltares al amparo de las Fuerzas Militares como lo indican numerosas investigaciones judiciales persiste , y este hecho añadido a la criminalización de la protesta social, estan en el origen en nuestra opinion de esta dramática situación que coloca a Colombia entre los países más peligrosos del mundo, para ejercer la actividad sindical, como lo ha manifestado la OIT.

Señor Presidente, la Federación Internacional de Terres des Hommes estima importante que la situación del movimiento sindical colombiano sea tomada en cuenta con la debida atención en el pronunciamiento que emane de esta Comisión apoyandose en las sugerencias del Comité de derechos económicos, sociales y culturales sobre la materia.

Para terminar, deseamos saludar el informe sobre Colombia presentado por la Oficina del Alto Comisionado para los Derechos Humanos y reiterar a esta Comisión la solicitud de mantener el mandato de la misma en relación con Colombia y de observar una actitud vigilante respecto al cumplimiento de todas las recomendaciones que emanan de su oficina en Colombia.

4. Statement of the representative of the **International Confederation of Free Trade Unions** reads as follows:

On April 16th 2002 (two days ago) TITO LIBIO HERNANDEZ ORDONEZ, President of the Pasto/Nariño section of the Colombian University Workers' Union SINTRAUNICOL – CUT was shot and killed by masked gunmen inside the University campus. This death

brings to 51 the unbearable toll of labour leaders physically eliminated since January this year. Last year 161 trade unionists were killed in Colombia. In a letter dated March 14th, the ICFTU General Secretary Guy Ryder presented to the Colombian President a list of events in the first quarter of 2002 against union activists which comprized abductions, detentions, disappearing persons, threats against leaders and individual members of unions, assassinations and assaults.

Clear is the trend (registered already last year) towards not only the continuation, but also the rise in the number of assassinations of trade unionists, who are paying their civil and social engagement with their lives.

Since the labour movement is one of the essential components of the social and democratic fabric of a country, the chilling plan of these perverse minds is to eliminate this particular group through systematic and massive violation of the most basic human rights – to life and physical integrity. A barbarous plan that goes hand in hand with the situation of almost complete impunity that the country is experiencing.

At the last session of the ILO Governing Body, the Workers' Group strongly advocated that the foreseen plan for technical co-operation would be linked to a progress report on the current situation in the country. If the situation does not improve, the ILO must be ready to reconsider the establishment of a Commission of Inquiry. We believe that – while technical assistance could be of help – the country seriously need to bring together the common will (if it exist) and take practical measures in order to stop this dramatic situation.

The ILO proceedings must be matched by an equal attention from this Commission to the deterioration of the human rights situation in Colombia, and we welcome the clear report of Ms. Hina Jilani on HR Defenders. While maintaining our proposal for a resolution on Colombia and our support to the HC Office in Colombia, we also believe that this year it would be extremely useful for the UN at large if the High Commissioner for Human Rights would present to the next session of the General Assembly a detailed and analytical interim report on the situation of human rights in Colombia.

A co-ordinated and univocal position of the international community is urgently needed in order to address the unrelenting and chronic process of annihilation of human rights in Colombia, in particular through the killings and persecution of trade unionists. While asking the government to take concrete measures; we ask you - members of this Commission - to clearly state that what's happening now in Colombia is the most intolerable violation of human rights.

5. The statement of the representative of **Agir ensemble pour les droits de l'homme** reads as follows:

La situación de derechos humanos de Colombia sigue agravándose, siendo una de las mayores preocupaciones de la comunidad internacional y en especial de los defensores de derechos humanos del mundo. El último ano esta situación ha tenido unos retrocesos catastróficos, ya que se han aumentado el número de personas víctimas de violaciones de los derechos humanos y de infracciones al Derecho Internacional Humanitario, especialmente

por el accionar de los grupos paramilitares, que actúan con la total complacencia de las fuerzas militares y sin que el Estado tome acciones concretas de persecución en contra de dichos grupos o contra los agentes estatales que los apoyan.

En el pasado los defensores de derechos humanos y la comunidad internacional hemos reconocido los avances alcanzados por la unidad de derechos humanos de la fiscalía general de la nación, en cuanto a la investigación de algunos crímenes de lesa humanidad. Lastimosamente, en el ultimo periodo el Estado colombiano ha tomado en cabeza del nuevo fiscal general de la nación, medidas que favorecen la violación de los derechos humanos y violenta lo que de independencia de la justicia quedaba en nuestro país. Como lo ilustra el informe de la Alta comisionada para los derechos humanos.

Esta Comisión debe felicitar públicamente a la Corte Constitucional por la valerosa decisión de declarar inconstitucional la ley de seguridad nacional, demandada por las organizaciones de la sociedad civil y por la Defensoría del Pueblo. Así mismo, debe exhortar al Estado colombiano a dar inmediato cumplimiento de lo ordenado por la sentencia. Igualmente a que no se obstaculice de ninguna forma las actividades en defensa de los derechos humanos de la Corte Constitucional.

Queremos expresar especial preocupación por la situación de ignominia y violación de derechos humanos que siguen soportando las personas detenidos en Colombia, ante lo cual solicitamos que la Comisión pida a los órganos encargados del tema que visiten lo mas pronto posible el país y exija a el Estado colombiano solución a la violación de los derechos humanos y de indignidad que sufren los detenidos en las cárceles.

Sigue siendo una preocupación muy fuerte la manera como el Estado evade continuamente su responsabilidad internacional e incumple las recomendaciones de los mecanismos internacionales. Nos encontramos ante un Estado que ha aprendido a burlarse de la comunidad internacional emitiéndole y manteniendo una apariencia diplomática de supuesta voluntad política para la vigencia de los derechos humanos.

Todo esto debe conducir a que la Comisión de derechos humanos, fortalezca su actitud de exigencia del respeto de los derechos humanos en Colombia, tomando las siguientes medidas:

-Nombrando un grupo Especial del seno de la Comisión que elabore un investigación de por que la negativa del Estado colombiano para cumplir con las recomendaciones.
-Solicitando a la Alta Comisionada que presente el informe sobre la situación de derechos humanos en Colombia ante la Asamblea General de la naciones unidas.
-Nombrando un relator especial para Colombia como mecanismo complementario a la Oficina de la Alta comisionada ubicada en Bogota.

6. The statement of the representative of the **Latin American Federation of Associations of Relatives of Disappeared Detainees** reads as follows:

A pesar de la tipificacion del delito de la desaparición forzada en Colombia, más desapariciones se siguen dando en la total impunidad, haciendo mas compleja la posibilidad

de recuperar a la victima y la exigencia de los familiares en busca de Verdad, Justicia y Reparación Integral, no sobra recordar que dicha practica en nuestro país fue implemen ada como política represiva Estatal en la década del 80 en el régimen contra insurgente, hoy hay mas de 5000 Colombianos Detenidos-desaparecidos, siendo este un país democrático.

Las ultimas estadísticas muestran, que en 1998 se dieron 323 detenciones-desapariciones, en el 99/443, en el 2000 / 743 y en el 2001 son 1283. Mostrando que en Colombia son detenidas-desaparecidas de 3 a 4 personas diariamente.

Las Masacres, ejecuciones extrajudiciales, asesinatos selectivos, torturas, desapariciones y desplazamiento forzado de la población, así como la persecución a defensores de derechos humanos, son causadas en un 80% por los paramilitares, con apoyo o tolerancia de las fuerzas de seguridad del Estado y el 20%por grupos irregulares.

La mayoria de los delitos a los DH, siguen en la total impunidad, no existe desde el Estado un verdadero y real compromiso político, para el esclarecimiento de los casos, así como tampoco muestra desde el Estado Colombiano una justicia eficas para combatir a los paramilitares.

Cada día del año 2001 alrededor de 20 personas fueron asesinadas, quince de ellas en su casa, en la calle o en su lugar de trabajo y en estado de indefensión, los cinco restantes en acciones atribuidas al conflicto armado.

El periodo del gobierno de Pastrana deja un total de 1.583 casos de violaciones a los derechos humanos, una cifra que arroja un volumen de 6.601 víctimas. Ello significa que en promedio, a 10 personas se les vulneraron diariamente sus derechos humanos

De Ellas, 5.792 lo fueron por motivos de persecución política, 716 por abuso de autoridad y 93 por intolerancia social. La modalidad más frecuente de violación a los derechos fue la ejecución extrajudicial, con 2.602 víctimas. Sin embargo, no son menos preocupantes los datos que ofrecen los restantes tipos: 1.231 amenazas, mas de 2000 desapariciones forzadas, 357 casos de tortura, 684 heridos y 1.037 detenciones arbitrarias.

Adicionalmente es alarmante la indefensión en que nos encontramos los defensores, es de llamar la atención frente a la ineficacia de las medidas adoptadas hasta ahora por el gobierno colombiano; el programa de protección para los defensores y lideres sindicales atraviesa por una situación de incertidumbre presupuestal.

La gravedad de la situación llama a una firme movilización de la comunidad internacional para que el Estado colombiano proteja la sociedad civil y cumpla con sus compromisos internacionales y regionales.

Ahora, el Plan Colombia y su implementación, se proyecta como futuro un incremento exponencial de las violaciones de los Derechos Humanos.

Con el rompimiento del diálogo con las FARC y la suspensión de la zona de distensión se presentan en un momento crítico en Colombia, caracterizado por el empobrecimiento de la

mayoria de la población que segun datos gubernamentales 23.000.000 millones de Colombianos estan en condicion de pobresa lo cual configura una grave crisis socioeconómica.

La inminencia de un proceso electoral sin garantías, una profunda crisis de derechos humanos y derecho internacional humanitario, una situación de impunidad no superada y una creciente intervención de Estados Unidos en el conflicto armado interno.

En cuanto a aplicación de justicia, los cambios en la Fiscalía General de la Nación, no sólo no garantizan superar los niveles de impunidad (que en materia de derechos humanos bordean el 92%), sino que ofrecen un panorama de restricción de libertades fundamentales, situacion que se agraba con perdida de autonomia de la rama judicial y de una amplia favorabilidad a los perpetradores de crimenes de lesa humanidad, que se hara mas visible en medio de esta euforia por la guerra.

Señor presidente; solicitamos que esta comision adopte un pronunciamiento por la situacion Colombiana, de igual forma que la comision solicite a la alta Comisionada que presente un informe interino sobre la situacion de DDHH en Colombia, a las proximas sesiones de la asamblea general. Solicitamos se le exija al estado Colombiano emprender investigaciones penales serias, imparciales y efectivas frente a los ataques a los/as defensores / as de derechos humanos y sancionar a los responsables. De igual forma es un compromiso del Estado Colombiano el dar cumplimiento a la ley 589.

Annex II

Item 4 Report of the United Nations High Commissioner for Human Rights and follow-up to the World Conference on Human Rights
Special Sitting of the Commission

7. At the 28th plenary meeting, on 5 April 2002, the Commission on Human Rights, under item 4 of its agenda entitled "Report of the United Nations High Commissioner for Human Rights and follow-up to the World Conference on Human Rights", held a special debate on the High Commissioner's statement on the situation of human rights in the occupied Palestinian territory. The following statements were provided to the secretariat in written form by those representatives of non-governmental organizations who had indicated their intention of making statements under item 4 but were unable to do owing to the emergency measures.

8. The joint statement of the representatives of **Union des Juristes Arabes, Association américaine des juristes, Ligue internationale pour les droits et la libération des peuples, Ligue internationale des femmes pour la paix et la liberté, Fédération générale des femmes arabes, Mouvement mondial des mères, Nord-Sud XXI, International Human Rights Association of American Minorities, Association Internationale des Juristes Démocrates, International Educational Development, Interfaith International, Centre Europe-Tiers Monde and Mouvement contre le racisme et pour l'amitié entre les peuples** reads as follows:

> Depuis plusieurs mois, le Gouvernement israélien maintient une offensive massive et sanglante contre le peuple palestinien sous prétexte de démanteler ce qu'il appelle les « sanctuaires de la terreur ». La situation est aggravée par la vague interminable de représailles d'un coté comme de l'autre.
>
> Ces derniers jours, l'objectif du Gouvernement israélien, qui jouit de l'appui explicite du Gouvernement des Etats-Unis, s'est manifesté clairement, à savoir mettre fin au processus d'autodétermination du peuple palestinien et de constitution d'un Etat palestinien.
>
> Le Gouvernement israélien a fait fi systématiquement de toutes les résolutions du Conseil de Sécurité et de l'Assemblée générale concernant la Palestine, qui ont été approuvées au cours des ans, et n'a tenu nullement compte de celles qui viennent d'être adoptées par le Conseil de Sécurité.
>
> Il a pu agir ainsi parce que les Résolutions 1402 du 30 mars et 1403 du 4 avril du Conseil de sécurité n'ont même pas invoqué, comme le Conseil l'a fait à plusieurs reprises dans des situations similaires et encore moins graves, le Chapitre VII de la Charte des Nations Unies ("Action en cas de menace contre la paix, de rupture de la paix et d'acte d'agression") et n'ont pas prévu aucune mesure, sanction ou menace de sanctions d'aucune sorte en cas de non-observation de la part d'Israël.
>
> L'inefficacité du Conseil de sécurité est due à ce que dans ce cas il ne s'agit pas de couvrir une décision antérieure de la superpuissance. On peut établir un parallèle entre la situation actuelle des Nations Unies et celle qu'a vécu la Société des Nations avant sa disparition :

impotence totale au regard des politiques agressives et belliqueuses de l'Italie fasciste et de l'Allemagne hitlérienne.

Confrontés à la paralysie de l'ONU, les gouvernements européens se limitent à des discours de circonstance et ne prévoient pas non plus des mesures de rétorsion combien même symboliques, comme le retrait de leurs ambassadeurs, et encore moins des sanctions économiques. En fait, et pour en revenir au parallèle historique, ils pratiquent la politique d'apaisement de Munich.

Les organisations signataires :

se joignent à l'appel international des peuples pour demander que cessent la violence et la répression contre le peuple palestinien et le retour au dialogue et à la négociation ;

appuient le droit inaliénable du peuple palestinien à sa libre détermination et à son indépendance et affirment que l'Intifada en tant qu'expression de la lutte pour la libération nationale doit être reconnue par le droit international ;

aspirent à ce que les négociations futures débouchent sur une paix juste et durable conformément aux résolutions 242 et 338 du Conseil de Sécurité et aux résolutions approuvées par l'Assemblée générale à l'effet qu'Israël doit retirer ses forces militaires de tous les territoires occupés en 1967, y compris la Cisjordanie, Gaza, Jérusalem est, les Hauts du Golan et les territoires qu'elle a occupé ces dernières semaines, procéder au démantèlement de toutes les colonies de peuplement construites illégalement et reconnaître le droit au retour de tous les réfugiés,

soutiennent la position du Gouvernement suisse en tant que dépositaire des Conventions de Genève et demandent que soit convoquée de toute urgence une nouvelle conférence des Etats Parties à la Convention de Genève,

font appel aux pays arabes producteurs de pétrole pour qu'ils utilisent la ressource dont ils disposent comme arme pacifique pour obliger Israël et ses principaux alliés à mettre fin à l'occupation et œuvrer à l'établissement d'un Etat palestinien.

9. The joint statement of the representatives of the **Association for World Education, International Council of Women, the World Union for Progressive Judaism, the International Council of Jewish Women and B'nai B'rith International** reads as follows:

Sir, education should be a vehicle for tolerance, not a tool for propaganda. Last year we urgently called upon the Commission, the European Union, UNESCO, the ICRC and Switzerland to begin enquiries into the grave abuses of the Palestinian Authority's Educational system, including the UNRWA schools, and Palestinian TV. We also called on the Commission to act on the elimination of hate teaching in Palestinian schools and the criminal use of children in conflicts. We warned then "if these enquiries are not undertaken NOW, the responsibilities will remain forever on the shoulders of those who defaulted on their moral obligations."

In her report published in the New Yorker (19 November 2001), Nasra Hassan described how these suicide attacks do not happen spontaneously, but result from a large and sophisticated infrastructure. The system works well as "hordes of young men" (and now young women!) clamor to be sent to their own obliteration. She deplored the fact that it is through the mosques that Hamas and Islamic Jihad clerics teach adepts to see suicide operations as a way to "open the door to Paradise" for themselves and their families.

Middle East expert Daniel Pipes wrote (9 December 2001) in the New York Post: "This infrastructure exists for one reason: to make normal men want to die. Because Islamic law prohibits suicide, a suicidal person cannot be recruited to go on a mission. Rather, it is (perversely) necessary to dispatch only those who are not suicidal." He then described how the process begins with the Palestinian Authority inculcating two things into its population, starting with the children: a hatred of Jews and a love of death. This is done through school curricula, camp activities, TV programming and religious indoctrination. It is noteworthy that much of this "schooling" is funded indirectly by the European Union (written question of 9 November 2000 by a member of the European Parliament, François Zimmeray, to the European Commission).

Sir, International Humanitarian Law (IHL) considers suicide bombings as "a war crime." A New York Times editorial, published in the International Herald Tribune (IHT) of 4 April, has an editorial titled: "Suicide bombing is a cancer". Delegates should read it carefully, as well as a Washington Post editorial, republished in the IHT of 5 April, titled: "Islam's death wish" - published, exceptionally, a second time in the weekend IHT edition of 6-7 April with a new title "Islam and terrorism." It deals with the OIC Malaysia Conference and its failed attempt to come up with an Islamic definition of "terrorism." It is well worth quoting:

"Though the governments were right in describing Islam as a peaceful religion, they were terribly wrong about themselves. It is hard to imagine any other grouping of the world's nations that could reach such a self-destructive and morally repugnant conclusion."

Today, we call on all UN bodies, beginning with this Commission to denounce firmly ALL FORMS OF TERRORISM, but especially the genocidal jihad ideology. Our conclusion is from the Washington Post editorial:

"The Palestinian national cause will never recover - nor should it - until its leadership is willing to break definitively with the [suicide] bombers. And Muslim states that support such sickening carnage will risk not just stigma but also their own eventual destruction."

Three passages from a book called *Our Country Palestine*, by Mustafa al-Deba'a [first published in 1947, and expanded in 1965], recommended [in the new curriculum] as a "great book" [- under the heading "activity": encouraging children to go to the library to read it. The reference is in *Our Beautiful Language*, 6th grade, p. 110]. This "great book" has a banner on the title page of Vol.1 stating: "There is no alternative to destroying Israel." [The book is dedicated to:"those who are battling for the expulsion of the enemy of our land."] The introduction to Vol. 2 is even more explicit: "Perhaps Allah brought the Jews to our land so that their demise would be here, as it was in their wars with Rome."

Endless quotations like this are to be found in many other PA school text books. We have about 50 pages available [from the *Palestinian Media Watch*] for those interested. These *Studies on Palestinian Society and Culture* [by Itamar Marcus, Director of PMW] even include fascinating Crossword Puzzles [which will intrigue Members and others].

But we are not asking this Commission to resolve such pure hate Puzzles. All that we can do here is be the watchman, as in that symbolical biblical ethic: to blow the trumpet thereby alerting all and sundry, and recalling the dire warning from that 2,600 year-old Book of the Prophet Ezekiel: "If when he seeth the sword come upon the land, he blow the trumpet, and warn the people; Then whosoever heareth the sound of the trumpet, and taketh not warning..." [33:4].

Sir, we shall leave the quotation unfinished there, and merely.

Annex III

Item 9 Question of the violation of human rights and fundamental freedoms in any part of the world

10. The following statements were provided to the secretariat in written form by those representatives of non-governmental organizations who had indicated their intention of making statements under item 9, at the 45th plenary meeting, on 18 April 2002, but were unable to do so owing to the emergency measures.

11. The statement of the representative of **Movimiento Cubano por la Paz y la Soberanía de los pueblos** reads as follows:

> Hablo en nombre de una organización con más de medio siglo de existencia, integrada por hombres y mujeres, verdaderamente representativos de nuestra sociedad, que inspirados en el más profundo amor a la Paz, como exigencia Universal y el orgullo indiscutible de su historia, de la dignidad de sus hijos, que en la defensa sagrada e ineludible de la Patria, luchan denodadamente por un Mundo mejor; como el ejemplo incuestionable de los Cinco Compatriotas Héroes de nuestra Nación, que guardan hoy cruel prisión en los Estados Unidos de América sancionados por un Tribunal parcializado del Estado Norteamericano de la Florida. En un país cuyo Gobierno se autoproclama absurdamente, como " Paradigma Universal de los Derechos Humanos y Juéz Supremo" en la supuesta calificación, condena y combate del Terrorismo Intemacional.
>
> Sr. Presidente, sino fuera porque definitivamente creemos en la necesidad y posibilidad de un Mundo de Paz y Justicia Social, habríamos desistido por banal, de participar en este ejercicio anual; donde en contrario a los Principios de la Carta de las Naciones Unidas y de los fundamentos de este propio Mecanismo, debemos enfrentar las veleidosas acciones del Gobierno Norteamericano, quien en sus propósitos hegemónicos, instrumenta groseras manipulaciones, expresadas en todo tipo de presiones amenazas y chantajes; imponiéndose así con su arrogante injerencia, a la Soberanía, y Libre Determinación de los Estados,.regulados por el Derecho Internacional vigente.
>
> Valgan como reivindicaciones a estas actitudes decepcionantes, la dignidad de quienes también cada año, se resisten al deshonor; y hasta las de aquellos, que cuando han podido expresarse en el anonimato de las votaciones secretas, nos han dado el regocijo de la expresa rebelión, contra quienes les humillan quebrantando pública y permanentemente sus voluntades.
>
> Sr. Presidente de nuevo como cada año, el Gobierno Norteamericano entroniza en ésta Comisión en su permanente e irracional sed de castigo y venganza, el intento de un nuevo Proyecto de Resolución de Condena a Cuba, en el propósito de presionar a la Comunidad Internacional, a sumarse a su objetivo frustrado de aislamiento y complementación del Bloqueo Genocida contra nuestro Pueblo,que instrumenta y perfecciona en su aplicación desde hace más de cuatro décadas. Cortina de humo también, para desviar la atención sobre las escandalosas violaciones de los Derechos Humanos que directamente ellos, con su coauspicio o con su complicidad, para asombro de la Humanidad, se están llevando a cabo

en el Mundo, muchas veces incluso en contradicción con los intereses y voluntades de sus propios aliados, develando así en su Prepotencia Imperial el carácter táctico de éstas alianzas.

Sr Presidente concluimos nuestra intervención, exigiendo a la Comunidad Intemacional representada en esta Comisión a rescatar y preserver la credibilidad de este mecanismo oponiéndose a ésta trama contra Cuba.

12. The statement of the representative of the **Organization for the Solidarity of the Peoples of Asia, Africa and Latin America** reads as follows:

Sólo para ratificar lo que ya era una convicción previa. hemos revisado cuidadosamente los documentos que se han distribuído oficialmente con arreglo al Tema 9 de la Agenda de este 58 Período de Sesiones: el 57 % de ellos evalúan situaciones de derechos humanos en países del Tercer Mundo, y el 37 % se refieren a países que sin ser parte de éste tampoco son identificados propiamente como parte del desarrollado mundo Occidental.

Hace muy pocos días, el Ministro de Relaciones Exteriores de un prestigioso y pequeño país del Tercer Mundo, que no sólo habla con voz propia sino que expresa lo que otros muchos sienten, nos recordó que el 57 Período de Sesiones adoptó 18 resoluciones y declaraciones para condenar a países pobres y ninguna sobre los problemas graves que cotidianamente acontecen en los países desarrollados o son provocados por ellos en sus relaciones con el resto del mundo, los cuales resultan generalmente encubiertos por bien calculadas fachadas propagandísticas gracias al control casi absoluto que ejercen sobre los grandes medios de comunicación e información.

La selectividad, la manipulación política y el carácter discriminatorio de las evaluaciones que realiza cada año la Comisión son cada vez más escandalosos e inaceptables. El espíritu de cooperación y la imparcialidad, atributos fundacionales de esta Comisión, han desaparecido para covertirla en un instrumento de política exterior de los poderosos, todo lo cual se sustenta en la falsa premisa de que estos países observan y respetan impecablemente los derechos humanos, mientras los países pobres están obligados a demostrar, frente a esta suerte de tribunal supranacional, que los cumplen y respetan acorde con los patrones de Occidente.

Con qué autoridad moral puede enjuiciar a otros países el gobiemo de los Estados Unidos, el mismo que apoya incondicionalmente a los criminales de Sabra y Chatila, que encabezan hoy el gobiemo de Israel, en su política de terrorismo de Estado contra Palestina, causando la muerte de 290 niños en los últimos 17 meses de agresión, por sólo citar una cifra ilustrativa, cuyo pueblo resiste y lucha en favor de la creación de su propio Estado independiente?

Por qué no analizamos seriamente aquí a los responsables de que el pueblo del Sahara Occidental esté privado del disfrute de sus más elementales derechos, en tanto está impedido de ejercer su legítimo derecho a la libre determinación e indenpendencia, mientras se realizan toda clase de maniobras y presiones para dilatar la realización del referendum de autodeterminación?

A quién se le puede ocurrir enjuiciar a Iraq en esta Comisión y no denunciar el embargo y los bombardeos indiscriminados de que ha sido víctima su pueblo por más de una década, causando la destrucción y la muerte, por falta de alimentos y medicinas, de más de un millón de niños y ancianos?

Cuándo aparecerá en la agenda de la Comisión la situación del pueblo viequense de Puerto Rico, que exige la retirada de su suelo de la Marina norteamericana, cuyas maniobras y ensayos con armas de destrucción masiva han alterado irreversiblemente el equilibrio ecológico de esa pequeña isla, contaminado mortalmente su suelo y a sus habitantes y extendiendo enfermedades incurabies?

Cuándo desaparecerá de esta Comisión la repudiada y desgastada maniobra norteamericana contra Cuba, cuyo pueblo es víctima de un criminal bloqueo económico comercial y financiers por parte de los Estados Unidos, que el pasado mes de febrero cumplió ya 40 años de aplicación y ha sido rechazado de forma reiterada e inequívoca por la comunidad internacional, y que, extinguidas las diversas y siempre fabricadas razones que supuestamente lo justificaban, hoy sóio se intenta sustentar en supuestas violaciones de derechos humanos en un país cuyas conquistas políticas, avances económicos, niveles de justicia social y dignidad son motivo de orgullo para su pueblo y para sus hermanos del Tercer Mundo?

La OSPAAAL coincide y apoya la posición del "grupo de pases afines" en su denuncia al doble rasero que prevalece en la Comisión y sus intentos de tratar de singularizar injustificadamente como violadores de derechos humanos a países del Tercer Mundo; y, en su condición de ONG con Status Consultivo Especial ante el Consejo Económico y Social, hará cuanto esté a su alcance por multiplicar esta denuncia, sembrar conciencia acerca de la necesidad de enfrentar esta injusticia inaceptable, y en favor de lograr las deseadas imparcialidad, no selectividad y reconocimiento de la igualdad entre todos los países y pueblos.

13. The statement of the representative of the **National Union of Jurists of Cuba** reads as follows:

Comparecemos hoy en representación de la Unión Nacional de Juristas de Cuba, que como parte del pueblo cubano ha sentido y siente los efectos del Bloqueo impuesto hace 40 años por el gobierno de los Estados Unidos, como pieza indispensable de la política brutal de hostilidad desplegada, cuyo objetivo no es otro que la destrucción del sistema político, económico y social construido y desarrollado libremente por los cubanos en pleno ejercicio de su soberanía y su derecho de autodeterminación.

Bloqueo que con argucias legales se pretende disfrazar al denominarlo Embargo, pero el Bloqueo es mucho más que un giro del idioma o un instruments de apariencia jurídica, es el dolor inagotable de aquellas madres que han perdido lo más hermoso que puede un ser humano tener- sus hijos, ante la prohibición de que se vendan a Cuba medicamentos y equipos indispensables en el tratamiento de enfermedades que pueden ser curables. Es la absurda obsesión de tratar de impedir a una nación adquirir lo más elemental para garantizar

su supervivencia si no transforma su sistema político; es el empeño estéril por buscar que un pueblo se lance a la guerra civil contra el gobierno que ha escogido, sin importar las consecuencias humanas que ello generaría, para establecer otro al gusto de quien el bloqueo impone.

Es eso y mucho más, porque no es tan sólo el abuso contra el pueblo cubano, sino contra todos aquellos que en el libre ejercicio de su soberanía quieran relacionarse con el mio exigiéndoseles que nos abandonen e ignoren, so pena de ser señalados también como enemigos del poderoso imperio y convertirse asimismo en destinataric de sus terribles represalias.

Por todo ello calificar de embargo las acciones criminales contra Cuba disminuye la dimensión y alcance de las mismas y oculta su carácter extraterritorial. El Bloqueo ha sido tipificado como Genocidio, pues se encuentra en franca concordancia con lo preceptuado por la Convención para la Prevención y la Sanción de este delito aprobada por la Asamblea General de Naciones Unidas el 9 de diciembre de 1948 y de la cual son signatarios los Gobiernos de Cuba y Estados Unidos, entendiéndose por Genocidio, entre otros actos, "el sometimiento intencional del grupo a condiciones de existencia que hayan de acarrear su destrucción fisica, total o parcial".

Sr. Presidente, lo manifestado no constituye la única forma de vejación al pueblo cubano, pues por si fueran pocas todas las agresiones cometidas se ha enjuiciado y condenado injustamente a cinco compatriotas en los Estados Unidos por el delito de amar y defender a su país y ahora se pretende en este foro, con un Proyecto de Resolución, condenarnos aun mas por el hecho de vivir con dignidad; a pesar de ello, no venimos en este momento a lamentarnos a nombre de los cubanos pues las carencias materiales y la resistencia con una sonrisa de felicidad constituyen nuestra diaria verdad.

Pero, Sr. Presidente, si clamamos en este acto por todos aquellos pueblos hermanos que no han sabido o no han podido encontrar su camino y por eso culmino con palabras del Héroe Nacional de Cuba, José Martí, nuestro apóstol: "Hermano de dolor, no mires nunca en mí al esclavo que cobarde llora, ve la imagen robusta de mi alma y la página bella de mi historia.

14. The statement of the representative of the **Federation of Cuban Women** reads as follows:

En el mundo globalizado neoliberal en que vivimos, casi resultan utópicos los sueños de contar con las posibilidades y oportunidades necesarias que permitan a las mujeres vivir en condiciones de justicia y equidad con los hombres e integrarse al desarrollo económico y social de sus pueblos de forma plena. Las políticas neoliberales impuestas por gobiernos nacionales y organismos internacionales, han conducido a una cada vez más creciente exclusión de hombres y mujeres.

Mientras ustedes y nosotros nos reunimos aquí, millones de hombres y mujeres en el mundo no saben que esta comisión existe, y mejor que así sea porque la mayoría se avergonzaría de conocer cual es el discurso de derechos humanos predominante en el mundo hegemónico de hoy, que tiende a privilegiar los derechos individuales, en detriments de los derechos colectivos, de los económicos, sociales y culturales.

Es vergonzoso que muchos gobiernos y los funcionarios que los representan sean capaces de oponerse con frecuencia cada vez mayor, en los eventos internacionales, a que se reconozca el legítimo y elemental *Derecho al Desarrollo,* que tienen todos los hombres y mujeres, niños y niñas.

Es hora de que cambiemos el orden de cosas existentes, es hora de que dejemos claro que aun cuando no haya condiciones que nos permitan hacer justicia, porque no tenemos los pueblos el poder económico y político para ello; las mujeres, las organizaciones que las representamos queremos un mundo diferente, donde no predomine la ley del más fuerte, donde los organismos y las organizaciones internacionales no respondan a los más ricos, a los que tienen el poder del dinero, el poder de las armas y el poder de la fuerza; sino que respondan a los que legítimamente más los necesitan.

Es hora de poner fin en esta comisión a la selectividad, a la subjetividad, a la singularización y politización.

Es hora de terminar con la bien preparada, financiada, y difamatoria campaña contra países como Cuba, a quienes en esencia se les pretende hacer pagar por el *"pecado'* de ser diferentes, de defender su derecho a la autodeterminación y la soberanía.

Como mujer cubana pido a esta comisión, exijo, que se tenga en cuenta la voz de la aplastante mayoría de los cubanos que amamos y servimos a nuestro país, que se escuche la voz de los que construyen y crecen aun en las más difíciles conficiones del bloqueo, de hostigamiento, de amenazas.

Por qué no acusa esta comisión, que se supone sea justa, objetiva e imparcial, al gobierno de los Estados Unidos que durante más de cuarenta años ha ejercido un injusto, unilateral y genocida bloqueo contra mi pueblo, contra las mujeres y los niños cubanos?.

No necesitamos las mujeres cubanas de comisiones como esta si se dejan llevar por los que se creen dueños del mundo, por los que creen que todo se puede comprar o vender, por los que creen que no hay gente capaz de vivir y morir por defender el decoro, la dignidad, la justicia.

15. The statement of the representative of **Agir ensemble pour les droits de l'homme** reads as follows:

Je parle au nom de l'organisation "Agir Ensemble pour les Droits de l'Homme". Je suis le Cardinal Christian TUMI, Archevêque du diocèse de Douala au Cameroun.

Je souhaite témoigner de certains événements extrêmement graves qui se sont déroulés ces derniers temps au Cameroun, et particulièrement dans la région de Douala. Mon intervention dans cette enceinte est dictée par la volonté de briser la loi du silence qui entoure les violations des droits de l'Homme au Cameroun et la nécessité d'attirer l'attention de la communauté internationale sur cette situation. Je me suis adressé en vain au gouverneur de

la province du Littoral. A ce jour, aucune enquête n'a été diligentée efficacement sur les faits que j'ai dénoncés.

Je veux parler, en premier lieu, des abus commis par le Commandement Opérationnel, cette force spéciale créée par le président de la République le 20 février 2000 pour lutter contre le grand banditisme.

Alors que selon l'article 2 du décret présidentiel, le Commandement Opérationnel avait pour mission d'assurer la sécurité dans la province du Littoral, de nombreux témoins font état de graves exactions imputables à ce Commandement: des disparitions sont dénoncées, des corps criblés de balles sont découverts, des fosses communes sont signalées par des villageois. D'après nos estimations, on pourrait déplorer à ce jour près de 1000 personnes exécutées.

Le cas le plus connu ces derniers mois à Douala est celui des neuf jeunes gens du quartier Bépanda qui ont été arrêtés et ont disparu. Ce n'est qu'une goutte d'eau dans la vaste mer des exécutions du Commandement Opérationnel. Même s'il semble qu'à ce jour le Commandement Opérationnel ait été officieusement désactivé, les pratiques que je dénonce persistent.

Alors que l'article 132 bis du Code pénal camerounais stipule que : "sera puni de l'emprisonnement à vie celui qui, par la torture, cause involontairement la mort d'autrui" la pratique de la torture, aussi bien dans les commissariats que dans les prisons, reste extrêmement courante au Cameroun.

De nombreuses personnes - à tort ou à raison présumées bandits – sont blessées par balles lors de leur arrestation : elles arrivent enprison sans recevoir aucun soin. En plus de ces blessures, elles sont victimes, de bastonnades et de brutalités.

Face à de telles exactions, le silence des autorités gouvernementales camerounaises étonne et conduit à la conclusion que leur complicité aurait pour fin de terroriser les populations civiles.

L' absence d'une justice équitable entraîne le laxisme tant dans la classe politique que chez les forces de l'ordre ou dans la société civile. Cette absence de justice entraîne la corruption, les abus d'autorité, le banditisme et les règlements de compte car tout le monde est convaincu du règne indiscutable de l'impunité.

En conséquence, je demande instamment à la Commission de recommander aux rapporteurs spéciaux sur la torture et les exécutions extra-judiciaires de se rendre au Cameroun pour enquêter sur la situation dont je viens de témoigner.

Il est urgent que les autorités camerounaises prennent les moyens de mettre fin aux pratiques que j'ai dénoncées, collaborent avec les instances internationales pour faire la lumière sur ces faits et assurent justice et réparation aux victimes et à leurs familles.

16. The statement of the representative of **International Human Rights Law Group** reads as

follows:

Monsieur le Président, je suis Deodatte Chishibanji et j'interviens sur les droits de l'homme au Burundi, en République Démocratique du Congo et en Sierra Leone.

Au Burundi, les affrontements entre l'armée gouvernementale et la rébellion occasionnent toujours des pertes en vies humaines et des destructions matérielles importantes. Les conséquences de cette guerre sur les populations civiles, surtout leurs droits économiques et sociaux sont alarmantes. Des massacres des civils et des viols commis sur des femmes et filles mineures sont parmi les graves crimes qui restent en majorité impunis. Le taux de scolarisation est en baisse; certains enfants sont enrôlés comme combattants de gré ou de force par les belligérents.

Le système judiciaire reste entravé par ses défauts organisationnels et par la modicité de ses ressources. Les aspirations d'une justice équitable restent donc inassouvies pour la majorité des justiciables.

Nous prions, donc, la Commission :

- D'exiger les belligérents au Burundi de conclure rapidement un cessez-le-feu,

- D'exhorter le gouvermement de respecter ses engagements en faveur du respect des droits de l'homme et d'améliorer les conditions de vie des Burundais.

- D'encourager la communauté internationale à soutenir la paix et le développement.

En République Démocratique du Congo, la principale préoccupation reste l'occupation de sa partie orientate par les troupes rwandaises, ougandaises et burundaises, qui en dépit de leur contrôle effectif des ces territoires, n'assument pas leur responsabilité de protéger la population civile congolaise. Les massacres et assassinats de civils, le pillage des ressources naturelles de la RDC, l'enrôlement des enfants et leur envoi sur les lignes de front sont autant de violations commises dans les territoires occupés. Les violences faites aux femmes, y compris le viol et l'esclavage sexuel sont préoccupantes, et ont une forte incidence sur la prévalence observée de l'infection VIH/SIDA.

Le processus de paix actuel est fragilisé par l'absence des mesures exécutoires des résolutions de l'ONU sur la RDC, ce qui oblige la tenue du Dialogue inter-Congolais sous l'emprise des occupants. Nous demandons donc, à la Commission, d'exiger le respect des résolutions du Conseil de Sécurité demandant le retrait des troupes étrangères de la RDC, et de renforcer les mécanismes de surveillance des droits de l'homme, surtout à travers des enquêtes sur les massacres, le pillage des ressources, et les violences faites aux femmes. La mise sur pied d'un Tribunal Spécial pour le Congo et une Commission Vérité et Réconciliation s'avère nécessaire pour rompre avec l'impunité généralisée.

Enfin, en Sierra Leone, malgré certains progrès réels, nous attirons votre attention sur la nécessité de continuer l'engagement international pour accompagner le processus - encore fragile - de normalisation. Les élections imminentes ne seront qu'une étape sur ce chemin,

et l'installation des mécanismes de justice d'après conflit se fait dans un système politique et judiciaire toujours en difficulté. Nous demandons à la Commission de continuer sa considération de la Sierra Leone lors de sa prochaine session, et d'exhorter le système de l'ONU d'éviter tout désengagement prématuré de ce pays qui pourrait compromettre la situation des droits de l'homme.

17. The statement of the representative of **International Confederation of Free Trade Union** reads as follows:

Je m'exprime au nom de la CISL, qui dans sa déclaration écrite, a appelé l'attention de la communauté internationale sur les pays où les violations des droits syndicaux étaient les plus inquiétantes et parfois même dramatiques ; Birmanie, Biélorussie, Brésil, Chine, République de Corée, Djibouti, Guatemala, Haïti et Swaziland. Depuis, des faits marquants sont apparus dans les pays suivants ;

BIRMANIE. La Commission devrait accueillir avec satisfaction l'accord d'entente qui est intervenu entre l'OIT et la Birmanie pour nommer un fonctionnaire de liaison dans le pays à partir de juin prochain. Ceci représente la première étape vers une présence permanente de l'OIT dans ce pays, élément clé pour l'élimination du travail forcé en Birmanie. Bill Brett, Président du groupe des travailleurs du BIT se félicite de voir que le mécanisme de l'article 33, appelant les gouvernements, les employeurs, les syndicats, et les organes des NU à reconsidérer leurs relations avec ce pays du fait du recours systématique au travail forcé par la junte militaire, commence à produire de l'effets. Malgré tout, la vigilance doit rester de mise, et les mesures de l'article 33 ne doivent pas être levés tant que le travail forcé persiste en Birmanie.

COREE. La CISL dénonce une fois de plus la poursuite de violations graves et répétées des droits syndicaux dans ce pays, arrestations et inculpations de syndicalistes, violences policières, interdiction des syndicats dans les services publics, violations annoncée du droit de grève. Une importante délégation syndicale internationale a assisté, en signe de solidarité, au procès du Président du KCTU, affilié à la CISL, Dan Byung-Ho et a aussitôt protesté contre sa condamnation a 2 ans de prison. Cette délégation a rendu visite à d'autres dirigeants syndicaux en prison Kim Dae-Ghil et Han Seok-Ho inculpé le 27 mars dernier ainsi qu'à Kim Il-Seup. De nombreuses autres arrestations et actes de violences ont eu lieu ses derniers jours. Le 23 mars 192 personnes ont été arrêtées lors du congrès d'un syndicat récemment créé, le KGEU. Le 24 mars, 381 syndicalistes et étudiants ont été appréhendés sur le campus de l'université Yonsei de Séoul lors d'une intervention de 6000 mille policiers anti-émeute.

CHINE. Plusieurs dirigeants syndicaux indépendants ont été arrêtés au cours de ses 2 dernières semaines. Yao Fuxin, 54 ans, élu représentant d'un groupement de travailleurs indépendants pour la Ferrous Alloy Factory à Lianoyang a été arrêté le 17 mars. La CISL pense qu'il a été victime de mauvais traitements et peut-être même tué. La CISL a donc porté plainte au Comité de la Liberté syndicale la semaine dernière.

Dans cette plainte, sont exprimées aussi des craintes à propos de syndicalistes et de travailleurs licenciés des entreprises pétrolifères Daqing et à propos de manifestants dans les

gisements pétrolifères dans la provinces du Hebei. Alors qu'à travers les provinces du Nord-est de la Chine, les travailleurs protestent contre la corruption, la multiplication des faillites frauduleuses et le non paiement des salaires, des mesures de répression sont prises par les autorités et au moins 5 travailleurs sont maintenus en détention à Lioning et devraient être inculpés de soutien à des manifestations illégales. D'autres travailleurs ont été arrêtés dans la province de Sichouan. La CISL réclame la libération des activistes et demande que soit respectés, en Chine, les droits syndicaux internationaux garantis.

Au Zimbabwe. La CISL dénonce le harcèlement dont est constamment victime Wellington Chibebe, secrétaire général du congrès des syndicats zimbabwéens. Arrêté, pour la 2ème fois en moins d'une semaine, après son refus d'autoriser la police à assister à son conseil général, il fut soumis à des manœuvres d'intimidation et interrogé pendant plusieurs heures avant d'être relâché. La CISL condamne cette attitude qui s'inscrit dans un contexte antisyndical manifeste de la part du gouvernement.

GUATEMALA. Une mission de la CISL vient de rendre son rapport sur la situation très critique dans laquelle se trouvent les travailleurs guatémaltèques face à l'exercice de leurs droits syndicaux. Les obstacles constants, les menaces et les persécutions semblent autant d'éléments qui empêchent, la pratique des syndicalistes à créer des syndicats libres et à mener leurs actions de défense des intérêts des travailleurs. L'ensemble des contacts pris avec les représentants officiels, privés et les différents acteurs de la société mettent en avant une situation sérieuse menaçant la stabilité économique et sociale du pays. La CISL recommande au gouvernement de prendre au plus vite des actions spécifiques de prévention contre les violations des libertés syndicales, de protection des syndicalistes et de leur organisation et des mesures légales contre les employeurs qui, de façon répétée et ouvertement, violent les droits de travailleurs.

18. The statement of the representative of **Médecins du monde** reads as follows:

Tchétchénie, 1989 : 1.200.000 habitants. 1990 - Avril 2002 : 80.000 morts, 200.000 blessés, 300.000 exilés, 80% des infrastructures détruites ou endommagées.

Ces chiffres froids, estimations de divers grands organismes humanitaires et du Haut-Commissaire aux Nations Unies pour les Réfugiés ne peuvent traduire l'indicible souffrance du peuple Tchéchène. Souffrance accentuée par le silence et l'indifférence de la communauté internationale.

Briser ce silence est le premier geste d'humanité que doit prendre le concert des nations représentées ici.

La 58ème Session de la Commission des Droits de l'Homme aux Nations Unies doit répondre de la crise humaniaitre qui continue et qui même s'amplifie en Tchétchénie.

En Tchéchénie, les civils survivent dans la terreur, dans un environnement militarisé, où règne l'arbitraire, où les violences sont quotidiennes. Tous les jours, des femmes, des enfants et des hommes meurent ou sont blessés dans des échanges de tirs, des "disparitions", des opérations de "nettoyage", sur des mines. La torture est largement pratiquée.

Les civils sont pris sous deux feux, celui de l'armée russe qui souvent assimile la population aux actes des groupes rebelles, et celui des rebelles qui mènent des actions de guérilla. Chaque déplacement est une vérigable prise de risque. Les gens passent la plupart du temps dans les caves. Les blessés souvent ne peuvent être évacués vers les hôpitaux. A cela s'ajoute les nombreux cas de pillage et racket de soldats de métier peu ou pas payés, vivant dans presque la même précarité. Tous ces agissements se font en toute impunité. Les maigres efforts d'instaurer une justice viable ne pouvant aboutir dans un tel climat.

Le travail des ONG est continuellement entravé. Pourtant les ONG ont été officiellement et publiquement invitées par Moscou à apporter leur aide à la reconstruction de la Tchéchénie. Mais, parallèlement le climat d'insécurité totale, les pressions exercées sur la liberté de travail des ONG, ainsi que la résolution 22 des autorités russes empêche le déploiement des ONG. Le but de la résolution qui est le contrôle de tout déplacement et de toute distribution de secours handicape gravement toute présence humanitaire indépendante et impartiale. Il faut pourtant rappeler que le droit international humanitaire et plus particulièrement l'art. 71 du protocole additionnel I des Conventions de Genève dispose la protection du personnel, ainsi que la facilitation du travail des ONG, en particulier la mission médicale.

Plus de 300.000 personnes ont fui en Ingouchie, en Géorgie, au Daghestan et en Russie. Ceux qui ont la chance d'avoir de la famille dans ces pays ou qui ont les moyens de louer une pièce s'en sortent mieux. Pour les autres d'année en année, la situation n'a pas évolué. On ne peut parler de conditions de vie de ces personnes, mais de survie :

- camps surpeuplés et mal équipés: tentes vétustes perméables à l'eau et surpeuplées.

- caves insalubres, usines désaffectées, entrepôts. C'est dans ces lieux que la vie est la plus dure : pas de chauffage, pas d'eau, pas d'aération, pas de latrines, seulement des rats et cafards.

Le retour des déplacés est aussi impossible vu les conditions de sécurité et matérielles. Les quelques personnes retournées en Tchéchénie ne compensent pas les départs toujours aussi nombreux. De plus l'arrêt d'enregistrement des nouveaux arrivants en Ingouchie empêche ces derniers à une queconque prétention d'aide.

Pourtant ces données sont connues. Elles sont répétées année après année par les rapports d'ONG, les auditions, les témoignages, les articles de certains journalistes, mais rien n'y fait si de n'est une vague condescendance.

De même, toutes les résolutions, les recommandations adoptées par les Nations Unies et autres Organisations ces dernières années n'ont abouti à aucune action politique concrète. Les visites des envoyés spéciaux, diplomates, députés non plus. La Tchétchénie souffre et meurt de par le silence qu'elle suscite.
Ce silence des nations est coupable et signifie qu'elles tolèrent la transgression de leurs propres codes qui lient la société internationale.
C'est pourquoi Médecins du Monde prie instamment la Commission des Droits de l'Homme de prendre les mesures nécessaires afin que :

- L'accès de l'aide humanitaire et des ONG puisse être assuré d'une manière sécurisée, librement, sans pressions ni contrôle excessif
- Cesse le climat d'impunité et de violation continuelle du Droit International Humanitaire, à travers des décisions arbitraires, des disparitions, des exécutions extra-judiciaires, des opérations de "nettoyage"
- Soient créées des conditions favorables au retour des réfugiés
- Qu'une Commission d'enquête internationale soit créée, et que les rapporteurs spéciaux soient également autorisés à mener leurs enquêtes en Tchéchénie
- Et, finalement que les autorités russes civiles et militaires se conforment aux diverses résolutions et engagements pris.

19. The statement of the representative of the **Seventh-day Adventist Church** reads as follows:

Many thousands experienced the worst of violations of their rights this past year.

When one considers all the work of the UN and countless NGOs in promoting fundamental human rights, it is both depressing and disturbing to see so many atrocious and blatant violations, as detailed by the various UN special rapporteurs, in particular the special rapporteur for religious freedom or belief. The international community is greatly indebted to Prof. Amor for his clear and objective detailing of religious freedom—or the lack of it—around the world.

Yet if the world is not to sink into the most barbarous and brutal epoch ever known, it is essential that all people of good faith redouble their efforts for peace, justice and human rights.

As other experts have clearly observed, the rise of religious extremism is at the back of many of the human rights challenges we face today. I too do not wish to be sidetracked by the terrorism emphasis, but it must also be pointed out that both religious extremism and state response to terrorism can both produce the same results—intolerance and clear violations of human rights.

One year on, one is struck by the depressingly familiar cases that repeat the cycle of human rights violence. In China, now that international political considerations have been secured, the crackdown on religious and spiritual movements continues. In Sudan, the religious war against Christians and animists in the south of the country continues to play out in all its horrific stories of violence and death. In the Democratic People's Republic of Korea the total eradication of any form of religious liberty is attempted, with the leadership claiming divinity and worship.

I close with the words of special *rapporteur* Prof. Amor, who speaks of "the ever-worsening scourge of extremism. This phenomenon, which is complex, having religious, political and ethical roots, and has diverse objectives (purely political and/or religious), respects no religion. It has hijacked Islam (as in Afghanistan, Egypt, India, Indonesia, Jordan, Lebanon, Pakistan, the Philippines and Turkey), Judaism (in Israel), Christianity (in Georgia) and Hinduism (in India)... The casualties of this aberration are religions themselves." 4. E/CN.4/2001/63, p.46.

The casualties are religions themselves. The Adventist Church recognizes and deplores this ongoing tragedy, and calls upon all nations, religions and individuals to reject any and all forms of violence, particularly violence carried out "in the name of God.

20. The statement of the representative of **Anti-slavery International** reads as follows:

Since the inception of the Burmese democracy movement, we have upheld dialogue as an integral part of the democratization process and in the protection and promotion of human rights - both as an objective and an instrument. We are therefore cautiously encouraged by the ongoing talks between the State Peace and Development Council and Daw Aung San Suu Kyi since October 2000.

However, we are disappointed to see that measures conducive to normalizing the political atmosphere to progress the political dialogue have still been either ignored or taken on at a very slow pace. For example, we are concerned that Daw Aung San Suu Kyi remains under house arrest. Secondly, the State Peace and Development Council released only 30 political prisoners following the adoption of the UN General Assembly resolution last year while 1,600 political prisoners including 19 MPs remain in jail. A former University Rector, Dr. Salai Tun Than, aged 74, was arrested last December for staging a one-man protest calling for the speeding up of the national reconciliation process. He was recently sentenced to 7 years imprisonment. Thirdly, we are concerned that unnecessary, tringent restrictions on the freedoms of association, assembly and expression remain, limiting the political activities political parties can conduct.

The systematic violations of civil, political, economic, social and cultural rights by the State Peace and Development Council have a significant adverse effect on the health and welfare of the people of Burma. The UN agencies residing in Burma have warned that the country is "on the brink of a humanitarian crisis" with the high incidence of HIV/AIDS, infant and maternal mortality rate, and malnutrition rate - a UNAIDs report claimed that by the time children reach the age of five, one in three will be "moderately to severely malnourished'.

Everywhere in Burma, there is evidence of poverty, ethnic conflict and a growing threat to the environment. Such concerns transcend every region, war zone and ethnic community. A threshold will be passed sometime in the near future if the combination of a growing population, diminishing resource base, and poor government policies which aggravate the existing problems continue. Having passed this point, recovery will be difficult and increasingly expensive. It is the time for all parties involved to begin a substantive political dialogue, build a national consensus and reconciliation, and find a future course of action for national survival and renewal.

Chair, the UN Commission on Human Rights should strongly encourage the State Peace and Development Council to formalize the current talks into a substantive political dialogue, and demand: the unconditional release of all political prisoners; that political parties be allowed to engage in normal activities without unnecessary and discriminatory stringent restrictions; the end to hostilities in the non-Burman ethnic nationality areas; a nationwide cease-fire to allow the provision of humanitarian assistance; that the use of forced labor stop; that

impunity end, and; unjust laws and orders be repealed to foster an atmosphere conducive to national reconciliation.

21. The statement of the representative of the **World Muslim Congress** reads as follows:

Following September 11 events, fight against terrorism has become the central concern in international relations, with an observed relegation of the human rights in general to secondary status. The singular focus on terrorism is used by states to silence dissent and justify gross human rights violations without fear of censor. Many countries baptized their vindictive policies as "war on terrorism".

Russia's war on Chechen people is an illustration in point. The consequences of this war are visible in the devastated republic of Chechnya, with Grozny its symbol of ruin, the suffering civilian population, with 300,000 uprooted Chechens still in refugee camps away from their homeland; and, there is no end in sight.

It has long been known that ethnic Chechens were not at all involved in September 1999 terrorist bomb attacks on apartment homes in Moscow and Volgodonsk — the attacks which were made the basis for Russia's assault on Chechnya. The Chechen people only ask for self-rule and want the accord signed between Chechnya and Moscow, at the close of first Chechen war. to be faithfully respected.

Mr. Chairman, let me urgently draw the Commission's attention to the ongoing anti-Muslim pogrom in the west Indian state of Gujarat in which more than a thousand Muslims have already been mercilessly killed in a most harrowing systematic manner. India's relationship with its Muslim minority has been a history of moving from one anti-Muslim pogrom to the next. The latest carnage started on 27th Februarv and represents the manifestation of intense hatred behind the meticulously planned genocidal operation by the majority community. In accordance with the first hand information from witnesses on the spot, organized armed gangs of Hindu zealots, each gang directed by a leader constantly in touch through mobile phone with the centre of operations, and having lists of electoral roils and revenue records at their disposal to pinpoint Muslims, ruthlessly massacred Muslims, and set on fire their factories, businesses, shops, educational institutions and homes, this time employing gas cylinders with devastating effect, in addition to the usual petrol and. kerosene. The Gujarat Muslims — a small prosperous community — has lost everything they possessed. All they possess now are small bundles of relief material.

Mr. Chairman, in order to have some feel of the grief, suffering and monumental pain of the survivors, the extent of the carnage, and the horror through which they passed, you will need to walk through camps. 29 temporary settlements, where around 53.000 of them have taken shelter. They talk of mass burning of people. They witnessed young children being thrown in fire. They saw wombs of pregnant women ripped apart and unborn children burnt. They report of the fleeing Muslims being directed by the police to the very spots where zealots were awaiting them. They are tormented as their future appears bleak.

India is a unique case in South and South East Asia where a population has elected to be governed by religious fundamentalists, dedicated to communal politics. Distortion and

saffronization of history books goes hand in hand with the agitation by the World Hindu Council and elements of BJP to build temples by tearing down nearly 3000 mosques and Muslim shrines to, what they call, "restore national honour". All talk of "pluralist" and "multi-cultural" society is an exercise in public relations and double-speak. After all, it was Prime Minister Atal Behari Vajpayee himself who said that he did not need Muslim vote.

Mr. Chairman, I am saddened and it is with a heavy heart that I have tried, briefly, to apprise you of the plight of GuJ'arat Muslims. While concluding, let me quote Martin Luther King: "The day we see the truth and cease to speak is the day we begin to die.

22. The statement of the representative of **MINBYUN: Lawyers for a Democratic Society** reads as follows:

I would like to draw the attention of the Commission on Human Rights to the grave human rights violations of conscientious objectors in South Korea which has been forgotten for almost a half century. Today I appeal to the Commission on behalf of more than 1,600 victims who are in prison due to the exercise of their legitimate right to conscientious objection which is universally recognized.

Since its resolution 1989/59 (8 March 1989), the Commission on Human Rights recognized the right of everyone to have conscientious objections to military service as a legitimate exercise of the right to freedom of thought, conscience and religion, as laid in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR). The Human Rights Committee also made the General Comment No. 22 (1993) upholding that such a right derives from Article 18 of the ICCPR, and that conscientious objectors shall not be punished for the failure of performing military service. Particularly, the Commission on Human Rights recommended in its resolution 1998/77 that States with a system of compulsory military service provide for conscientious objectors various forms of alternative service which are compatible with the reasons for conscientious objection.

As of today, about 1,640 conscientious objectors are in prison as criminals, and most of them are Jehovah's witnesses.[1] This means that every year about 600 young people eligible for the military draft are forced to put into prison owing to their religious convictions and conscience. Furthermore, there are about 60 cases where father and son or brothers are all sent to jail one after another causing the tragic pain to their family members as well as themselves.

Because of their criminal records, conscientious objectors are socially and politically discriminated in their access to employment, particularly in public sectors. They are unjustly deprived of their rights as prisoners due to their backgrounds. According to the eligibility criteria for parole, conscientious objectors from Jehovah's Witnesses are classified under a specific category. They can apply for a parole only after serving 27 months (75% of 3-year term) without exception, while others usually receive the favor of parole after serving the half of their prison term. Moreover, Jehovah's Witnesses in prison are not permitted to

[1] The list of those 1,640 prisoners are available in the Present Situation of Conscientious Objection and Human Rights Issues in the Republic of Korea, Report prepared for the 58th Session of the UN CHR 2002 by MINBYUN-Lawyers for a Democratic Society & Korea Solidarity for Conscientious Objection.

practice their religion. This is a clear example of discrimination based on religious belief and at the same time gross violation of the freedom of religion and belief.

The South Korean government has been a member of the Commission on Human Rights since 1993 and a signatory to the ICCPR and several other human rights treaties. It has an obligation to abide by all the resolutions adopted by the Commission including the 1998/77 and 2000/34 on conscientious objection, and to implement the General Comment on conscientious objection (No. 22) by the Human Rights Committee.

The South Korean government said in its statement yesterday under the agenda item 9, "All governments must acknowledge the human rights problems present in their own countries in a frank and forthcoming manner. Countries must strive to embrace universal human rights standards and demonstrate a willingness to act upon them." We sincerely and hole heartedly endorse its statement. Therefore, we urge the South Korean government to show a good example before the Commission.

Mr. Chairman, in this regard, we would like to urge the South Korean government to

- acknowledge the human fights violations of conscientious objectors openly and frankly;
- immediately release all prisoners of conscientious objection by granting amnesty;
- stop criminalizing conscientious objectors by providing various forms of alternative services;
- address urgently all discriminatory practices against conscientious objectors in prison and their social lives.

Furthermore, we urge the Commission on Human Rights to continue to cooperate with the Office of the UN High Commissioner for Human Rights in the preparation of its compilation and analysis of best practices in relation to the recognition of the rights of everyone to have conscientious objections to military service.

23. The statement of the representative of the **International Islamic Federation of Student Organizations** reads as follows:

We appreciate and reaffirm the Vienna Declaration of 25th of June 1993 that all human rights are universal, indivisible, interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner on the same footing and with the same emphasis. It is a duty of states, regardless of their political, economic and cultural systems to promote & protect all human rights and fundamental freedoms.

It is recognised that the right to life is the most fundamental and basic of the human rights. Indeed, the right to life is the fountain form which all other human rights spring and it therefore deserves the greatest respect.

Mr. Chairman, violation of human rights and fundamental freedom in various countries has reached at an alarming level. We note with grave concern the deteriorating situation of human rights in Indian Occupied Kashmir and condemns the continued systematic violations of human rights of Kashmiri people by Indian forces. It is important to mention

here that the people of Kashmir have demanded their promised right to self-determination, but their demand of freedom has been responded by Indian Government in various ways;

- Firstly Kashmir has been isolated from the rest of world;
- Secondly systematic massive barbaric acts in forms of mass killing, torture, summary execution, custodial killings, rape, molestation, destruction of houses and business establishments etc;
- Thirdly Indian Government had enacted a series of laws which give legal cover to its forces and facilities human right abuses with complete protection against prosecution. Indian forces can shoot to kill anyone at their discretion which is against the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights.
- Fourthly Indian has launched media tactics against Kashmiris when the political opponent or the Kashmiris are tortured to death, they dub it as death in self-defence. When they kill masses, they call it encounter killings and when they arrest and detain illegally for long periods, they call it preventive detention.

Mr. Chairman, when the people of Kashmir remains silent on Indian atrocities, India says people of Kashmir are happy with India and when they took demonstrations to streets, Indian forces kill them and when Kashmiris resists Indian army & its abuses, they call them terrorists and their freedom movement as terrorist movement. The fact is that movement for realisation of right to self-determination and for protection and promotion of human rights and fundamental freedoms are in no way a violations.

(IIEFSO) condemns the assassinations killings, bombing of civilian areas, humiliation and assault on Palestinian people by Israel.

We had a grave concern on deteriorating human rights situation of Afghanistan. It is hoped that the mandate in Bonn will result in promotion and respect of human rights in Afghanistan.

We strongly condemned the policy of State terror of Russian Federation against civilian population of Chechnya. These crimes are crimes against humanity.

We condemn the systematic killing in Indian state of Gujarat in March 2002 and the inadequate security measures of Government of India to prevent this mishap.

Mr. Chairman, we wish to bring to the attention of the Commission that on 26 March 2002, the Indian Government has arrested the famous Kashmiri leader Mr. Yasin Malik, Executive Member of All Parties Hurriayat Conference under Prevention of Terrorist Ordinance (POTO), when he refused to endorse another attempt by India to conduct sham elections in Jammu and Kashmir.

Mr. Chairman, I believe that peace in the world can only be achieved if human rights and fundamental freedoms are respected and resolution of issues and conflicts is done with justice.

24. The statement of the representative of **International Educational Development** reads as follows:

> International Educational Development draws attention to the criteria that the General Assembly has decided should be applied to consideration of country situations--"mass and flagrant violations of human rights."[2] Using this criteria, it is clearly inappropriate to address the situation in Cuba. The abuse of this item by the United States against Cuba clearly for political reasons sullies the work of this Commission, especially when situations clearly meeting the criteria -- such as that in Kashmir -- are ignored.
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> Regarding Kashmir, we point out nearly 70,000 civilian casualties, and a massive military domination of the Kashmir people by the 600,000 strong occupying Indian forces. This is the type of situation that this item is meant to address. We remind the Commission that the Security Council recognized the right to self-determination of Kashmir in a number of resolutions, and ordered a plebiscite to be held under United Nations auspices so that the people of Kashmir could indicate their wishes.[3] There will be no improvement in Kashmir until the plebiscite is carried out according to the Security Council formula.
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> We have raised the serious situation in Burundi before, especially in light of the terrible consequences of the former sanctions. We agree with the Sub-Commission's expert, Mr. Bossuyt, that the people of Burundi will suffer unjustly for many years from those sanctions, and that accordingly the international community should respond with appropriate aid.[4] We urge the Commission to extend the mandate of Special Rapporteur Keita-Bocoum to the lingering effects of the sanctions and the continuing conflict there.
>
> We again present the serious situation in the Moluccas where since January 1999 the Laskar Jihad and the Mujahadin -- most likely supported by Al Qaeda but certainly also by foreign sources -- have sent over 30,000 heavily armed men who carry out terrorist acts against the Moluccan Christian community. They also try, somewhat unsuccessfully, to incite the Moluccan Muslims against the Moluccan Christians. On February 11 and 12, 2002 the Indonesian authorities held a "peace" conference in Malino (South Sulawesi) with certain members of the Christian and Muslim communities, the result of which is an agreement which abandons the Moluccan self determination rights granted in the Round Table Conference Agreements in exchange for the removal of the non-Moluccan armed groups. This agreement is rejected by more respected Muslim and Christian Moluccan leaders who strongly defend the Moluccan's right to self-determination and recognize a government in exile. In any case, the armed groups have not left the Moluccas and last week set off a car bomb that killed over 50 civilians. The Commission and the Office of the High

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[2]See, for example, General Assembly resolutions 32/130, 34/175 and 37/200 cited in the Annotated Agenda (UN Doc. E/CN.4/2002/1/Add.1) at para. 39.

[3]See, for example, Security /council resolution 80 of 1950. The Security Council subsequently rejected the claim of India that the "elections" it organized in Kashmir qualified as the UN-mandated plebiscite. Security Council Resolution 122 of 1957.

[4]Mr. Bossuyt addresses the adverse consequences of the former economic sanctions against Burundi in UN Doc. E/CN.4/Sub.2/2000/33.

Commissioner should take up this issue to ensure that any agreement on the status of the Moluccas is made in conformity with the Round Table Conference Agreements.[5]

We are pleased with the substantial improvement in Sri Lanka. Under a strong mandate of the electorate to seek peace, the new government re-activated the Norwegian peace and mediation efforts. The Norwegian mediators have brokered a permanent cease-fire between the LTTE and the government. A monitoring group from the Nordic Stares is in positions throughout the island to ensure the peace and to see first hand what th war has done. The Commission, while shamefully abandoning this grave situation for many years, should now wholeheartedly support the peace efforts and ensure that no other State disrupts this last hope for a permanent solution in accord with the rights of the Tamil people. There is no doubt in our minds that if this peace effort is derailed there will be a return to armed conflict with the inevitable split of the island into two States.

25. The statement of the representative of **Asian Legal Resource Center** reads as follows:

The Asian Legal Resource Centre is greatly concerned by the obstacles to enforcement of rights in countries throughout Asia. This condition stems in part from the neglect of article 2 of the ICCPR by state parties, and even by the human rights community itself. The absence of inquiries into violations of human rights guaranteed under UN covenants and conventions, and the poor quality of investigations that do occur, is a major hindrance to the prosecution of offenders.The absence of inquiries results from the lack of legally empowered authorities to conduct them. Yet the human rights movement has paid very little attention to the requirement that state parties provide for such authorities. Demands are often made for prosecution of offenders. However, prosecution frequently does not take place due to lack of evidence. Evidence is not available as no authority exists to collect it. And so a vicious cycle occurs, giving a seemingly credible
excuse for non-prosecution of offenders.

Like in any other crime, victims of human rights violations need to have access to an authority to make their statements and offer evidence. An authority is also needed to conduct forensic and other investigations. When no such authority exists, natura. investigation does not take place.The Asian Legal Resource Centre wishes to illustrate this widespread condition with a number of examples.

Ever since the establishment of the UN Transitional Authority in Cambodia, all elections so far held including that in May 1993 and the most recent commune election in 2002 have been preceded by election-related extrajudicial killings. However, no authority exists to investigate these violations. It follows that there have been no prosecutions either. The perpetrators have not even been revealed.

In India, deaths due to racial and religious violence are endemic. There is extensive evidence

[5]The Round Table Conference Agreements (1949) is the decolonization instrument between The Netherlands, Indonesia and the United Nations under which the Moluccas have the right to secede from Javanese/Indonesian rule if it wishes or to enter into another arrangement with the Indonesian authorities. Because of the status of the rights to self-determination in international law, including that it is a right held by the people, the people of the Moluccas as a whole have the right to decide their status, not a few self-appointed "leaders."

of police involvement in this violence, as for example in the recent tragedy in Gujarat. However, again no authority exists to investigate such allegations.

In Sri Lanka, mass disappearances during the late 1980s and early 1990s have been condemned over the years by UN agencies, including the Commission, and the working group on disappearances. However despite enormous pressure just a handful of cases out of nearly 30,000 have ended in prosecutions. The lack of investigations means nobody has the facts relating to these killings. Initial attempts at forensic investigations failed. Mass graves and torture chambers remain uninvestigated.

Many countries in Asia have ratified the Convention against Torture and other Cruel and Inhuman Treatment or Punishment, yet despite endemic torture no prosecutions take place, for the same reason of a lack of investigating authorities. Often all that is available to pursue human rights violations are fact-finding inquiries. Fact-finding groups do not have the legal capacity or resources to collect evidence that can be produced in a court of law. At best, they end in making recommendations for proper inquiries and prosecutions. The victims and their families often misunderstand these fact-finding inquiries to be proper investigations for prosecution of offenders and are disappointed when that does not happen.

Without a genuinely independent authority to investigate human rights violations it is not possible to make human rights reality, rather than mere good ideas without a practical value. The Asian Legal Resource Centre urges the Commission and all other human rights agencies, including the Office of the Commissioner of Human Rights, to give careful consideration into this matter and find ways to address this important deficiency in implementation of human rights. Until state parties establish such authorities, article 2 of the ICCPR will remain neglected.

26. The statement of the representative of **Franciscans International** reads as follows:

I speak on behalf of Franciscans International and Dominicans for Justice and Peace on the issue of long-standing and ongoing human rights violations in Papua. Papua, formerly called Irian Jaya, is the easternmost province of Indonesia. The indigenous Papuans are among the most marginalized and victimized people in Indonesia. As a Dutch-born, Indonesian missionary living and working in Papua for the past 27 years, I wish to give testimony on the situation of the Papuan people.

Concerns

Although there have been political changes in the last few years, human rights violations have
actually increased in Papua. I draw your attention to two specific fields of concern:
1. The denial of freedom of expression of the Papuan people of their rightful demands and aspirations, including the right of self-determination, that have been voiced peacefully but are systematically met by the Indonesian authorities with violence[6], detention and torture[7],

[6] One hundred thirty-six people have been killed by security forces over the last 4 years *(ELSHAM Annual Report 2001)*.

2. The spreading of fear and intimidation caused by:
a. Covert actions by members of the security forces to paralyse the movement for freedom in Papua, including killings (such as the slaying of the Papuan leader, Theys Eluay) and the egregious accusation of "subversion" aimed at members of the Papuan Presidium Council[8];
b. Government-sanctioned stigmatisation of special groups of the population[9], while treating them as enemies of the State (as in the Abepura Case of 2000):
c. Inaction towards the increasing presence of Laskar Jihad in Papua[10].
d. Impunity for perpetrators of human rights violations, such as those committed in Abepura (2000) that constitute a "crime against humanity[11].

Recommendations
Considering the aforementioned challenges we call on the United Nations Commission on Human Rights to urge the Government of Indonesia to:
1. Fulfil its obligation to respect and protect human dignity by ceasing the use of violence in dealing with peacefully expressed demands and involve itself in an open dialogue with the Papuan people.
2. Deliver justice to the Papuan people by bringing the perpetrators of human rights violations committed against them and their representatives to trial in ;In open and transparent manner in line with international standards.
3. Invite the Special Rapporteur on the Human Rights and Fundamental Freedoms of Indigenous People to Papua with complete and unhindered access to individuals and communities and to fully co-operate with all the relevant thematic procedures of the Commission on Human Rights.

Mexico, we also remain concerned about another human rights situation, that of the indigenous people in Mexico. In his January 2002 report the Special Rapporteur on Independence of the Judges and Lawyers with regard to indigenous people and communities expressed his concern about the general lack of access to justice, interpreters and sensitivity within the Mexican legal system to their legal traditions.

27. The statement of the representative of **International Association for the Defence of**

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[7] Eight hundred thirty-eight people have been incarcerated and or tortured over the last 4 years *(ELSHAM Annual Report 2001).*

[8] The main leading body representing the Papuan people that actively seeks a peaceful dialogue to achieve genuine self-determination.

[9] The group stigmatised mainly originates from the highland areas of the interior, especially the Dan people.

[10] Recent reports prove the threatening presence of the Laskar Jihad in Fakfak, Sorong, Vlanokwan ar Biak. This group is involved in training and organising armed militias, spreading propaganda catena inciting hatred against Christians and publicly targeting Papua as an area for action. Since 1999, Laskar Jihad have been implicated in wide-scale, violent campaigns in Maluku and Sulawesi. It is active in other islands throughout the Indonesian Archipelago.

[11] On 7 December 2000, Indonesian security forces raided the dormitory of university students from the highland area of Papua, murdering 2 and wounding others, seriously and even critically. KTI' HAM Papu the ad hoc investigative team of the National Human Rights Commission of Indonesia (KOMNAS HAM deemed this vicious attack a "crime against humanity", a finding not refuted by Indonesian government representatives.

Religious Liberty reads as follows :

Indonesia

Mr. Chairman, fighters from the Laskar Jihad, the militant Islamic group responsible for killing thousands of Christians in the Moluccas islands and Sulawesi in eastern Indonesia have now infiltrated into the Indonesian province of West Papua, where these militants are training local militia who support Indonesian control over this province. The Laskar Jihad has sent more than 100 of its armed fighters into the West Papuan district of Fak Fak, and is operating military training camps there.

Some of the Indonesian authorities are supporting the training that Laskar Jihad fighters have been giving members of the pro-Jakarta militia, the East Merah Putih militia. The Laskar Jihad started by invading the Moluccas islands back in 2000.Then they moved on to Sulawesi and now they are starting to infiltrate West Papua.West Papua has a very large Christian community. Laskar Jihad's devastating effect on the people of the Moluccas and Sulawesi make it amply clear that there will be a lot of bloodshed if Laskar Jihad are permitted to operate in West Papua. Urgent action is needed once and for all to stop Laskar Jihad from implementing their strategy of inciting religious hatred and carrying out systematic violence against Christian communities in Indonesia.

The Laskar Jihad is comprised of Islamic extremists from different parts of Indonesia and even from some other Muslim states such as Afghanistan and Pakistan. In May 2000, just as sectarian violence in the Moluccas islands was starting to wane, the Laskar Jihad invaded these islands with about 7000 fighters to wage a Jihad or so-called holy war against the Christians of the Moluccas. This invasion brought the levels of violence in the Moluccas to unprecedented levels, resulting in the deaths of thousands. Months before the Laskar Jihad invasion of the Moluccas they had vociferously declared their intention to go to the Moluccas to wage a jihad against the Christians there. Yet the Indonesian government did nothing to stop them and some elements of the Indonesian military even suppliedLaskar Jihad fighters with automatic weapons and mortars.

In December last year the head of Indonesia's National Intelligence Agency, Lieutenant General Hendropriyono, publicly confirmed that members of the notorious Al-Qaeda terrorist network were joining Laskar Jihad militants in fighting against Christians in Sulawesi. Due to pressure from more fundamentalist Indonesian politicians, General Hendropriyono later retracted this statement. But it is important to note that he withdrew this statement only because of political pressure and not because he had got his facts wrong.

While peace agreements signed between Muslim and Christian leaders from Sulawesi in December 2001 and from the Moluccas in February 2002 indicate a positive step towards peace and reconciliation it is highly unlikely that there will be long term peace until the Laskar Jihad are completely expelled from the Moluccas and Sulawesi and their leader Jafar Umar Thalib is detained and prosecuted for inciting and carrying out sectarian violence. Not surprisingly, the Laskar Jihad have publicly denounced these peace agreements and it is self-evident that they have no intention of abiding by either peace accord. Numerous Christian villagers in Sulawesi report an intimidation campaign, in which they have been threatened

by Muslim militants that harm will come to them after the Indonesian troops are withdrawn in the middle of this year.

In Central Sulawesi about 20,000 Christians have fled from their torched villages to Tentena, a village of about 8,000 inhabitants. Since June 2001, despite the absence of provocation by local Christians, Laskar Jihad supported fighters undertook planned offensives to clear the town of Poso of Christians and to systematically target and destroy surrounding peaceful Christian villages.

Thousands of Christians have become internally displaced as a result of the violent attacks of the Laskar Jihad and their allies. Their resources are limited so they are living in miserable conditions. The Christians in Tentena are cut off and surrounded by thousands of Islamic fighters and if the Indonesian police and military fail to protect Tentena there will be a massive bloodbath.

While President Sukarnoputri's despatch of thousands of additional soldiers to Central Sulawesi to help keep the peace is very much to be welcomed, it is deeply disturbing that these troops are only there for 6 months and are scheduled to be withdrawn by June this year.

It is highly unrealistic to expect that the Indonesian military will no longer be needed to keep the peace in Central Sulawesi after only 6 months and the peace agreement between the Muslims and Christians of Sulawesi will have little value unless there are Indonesian troops present who are willing to act impartially in enforcing the agreement's terms.

In the Moluccas the scandal remains of the desperate plight of at least three thousand Christians who have been forced by Muslim militants to convert to Islam in the islands of Halmahera, Bacan, Buru and Seram and yet the Indonesian government has so far refused to evacuate these forced converts to a place of safety where they can safely revert back to practising their Christian faith.

We call on this Commission to put strong pressure on the government of Indonesia to remove all Laskar Jihad members and militants from the Al-Qaeda network from Sulawesi, the Moluccas and West Papua and to detain and prosecute the Laskar Jihad leader, Jafar Umar Thalib. The Indonesian government should also be pressured to maintain for at least 2 years their current level of troops in Sulawesi to keep the peace and to also ensure that the police and military in the Moluccas and Sulawesi act impartially to preserve law and order. Furthermore, we urge this Commission to call on the Indonesian government to evacuate as a matter of urgency the thousands of Christians forced to convert to Islam in Halmahera, Bacan, Buru and Seram islands in the Moluccas.

Vietnam

In Vietnam, there was a massive crackdown against the Montagnard people in the Central Highlands in December last year. Large numbers of Montagnard Christians were rounded up and arrested while trying to organise Christmas services. The Montagnards of the Central Highlands - also known as the Degar people – have been suffering severe persecution from

the Vietnamese government ever since the Communists took power in South Vietnam in 1975. The majority of the Degar people are Christians and the Communist authorities have been persecuting them both because they assisted the U.S army during the Vietnam War and because of their Christian faith. In fact the Vietnamese government has for many years frequently persecuted Christians all over Vietnam.

Vietnamese soldiers and police have also been systematically forcing Degar Christians to renounce their faith and to drink pig's blood. Drinking pig's blood was a pre-Christian religious practice among the Degars and this indicates a systematic attempt by the Vietnamese authorities to destroy the Christian faith of the Degars.

On December 28, 2001, Cambodian authorities in Mondolkiri province deported at least 167 Montagnards refugees who had fled persecution in Vietnam. These refugees who were forcibly repatriated have been detained by the Vietnamese authorities and many of them, including women and children, have been tortured.

On March 2nd this year the Cambodian authorities forcibly repatriated 63 Montagnard refugees back to Vietnam. The forced repatriation by the Cambodian authorities of Montagnard refugees to Vietnam is frequent and is a direct violation of international law which prohibits the forced repatriation of refugees. There are about 1000 Montagnard refugees remaining in Cambodia and they face a major risk of forced repatriation to Vietnam by the Cambodian authorities.

We urge this Commission to put pressure on the government of Vietnam to stop their persecution of the Degar people, including their systematic religious persecution against Degar Christians and Christians elsewhere in Vietnam. This Commission should also call on the government of Cambodia to respect international law and stop their forced repatriation of refugees from Vietnam.

28. The statement of the representative of **International PEN** reads as follows :

International PEN the association of writers, welcomes this opportunity to raise with the United Nations Commission on Human Rights its concerns that writers and journalists continue to be subject to attack and persecution. The organisation has on its records over 700 such instances in over 80 countries ranging from persistent harassment to long term imprisonment. It would be impossible to raise each and every case at this Session, so today International PEN would like to highlight several countries which have been of consistent and long-standing concern.

The numbers of writers imprisoned in China has been consistently high and at present there are 23 writers and journalists held in Chinese prisons. Their sentences range from three years to life imprisonment. PEN has noticed a recent clamp down on those who have alleged official corruption, and sees this as further indication of the Chinese authorities' intolerance towards and repression those who question the practices of those who govern them.

International PEN welcomes the Special Rapporteur on Myanma's continued scrutiny of adherence to human rights standards. While there have been recent amnesties, numerous

writers remain detained. PEN currently has on record nine writers serving heavy sentences ranging from seven to 21 years in prison. Most have had links with the National League for Democracy, the opposition party headed by Daw Aung San Suu Kyi, herself a writer who is also living under severe restrictions.

Vietnam has in recent years seen a decline in the numbers of writers in prison which makes recent arrests of writers there of particular concern. In January this year, three writers were arrested for having criticised bilateral negotiations between China and Vietnam. One remains formally detained and the other two under house arrest. They join six other writers held in prison or in their homes since the mid-1990s solely for holding views that do not conform with those of the government.

PEN remains concerned about pressure on writers in Iran. Seven writers are known to be detained, among them those accused of involvement in an April 2000 cultural festival in Berlin alongside other charges related to their writings or political affiliations. Some are serving heavy sentences of up to nine years in prison. Others are still awaiting the outcome of their trials. Particular concern at present is for the welfare of Siamak Pourzand, journalist and film critic aged over 70, who has been held in an unknown place since November 2001 and who suffers from diabetes and heart disease.

Since the closure of all eight private newspapers in September 2001, there has been no independent press whatsoever in Eritrea. Anyone who worked as a journalist for the banned newspapers or had any connection with them is liable to be arrested and held incommunicado. As a result, many reporters have been forced to flee to neighbouring countries. PEN has recorded the names of twenty-five journalists feared detained or forcibly conscripted before and after the September clampdown.

For the first time in many years, Ethiopia has no writers serving prison sentences.However, legal action against independent journalists under the sweeping press laws has become endemic. There are estimated to be up to eighty cases against journalists relating solely to their work. Most of these trials drag on for years and eventually result in swingeing fines wholly out of proportion to the alleged offence (usually that of defamation). The systematic procedure of bringing criminal charges against independent journalists and newspaper editors gives all the appearances of a strategy designed to silence criticism of the authorities.

Mr Chairman, International PEN welcomes this opportunity to raise at the UN Commission on Human Rights some of the current issues that are the focus of its global campaign to end the suppression and imprisonment of writers and journalists. It calls on those governments concerned to review practices that bring them into conflict with international standards safeguarding the rights to freedom of expression and association as enshrined in the Universal Declaration on Human Rights.

29. The statement of the representative of **United Nations Association of China** reads as follows :

As a council member of UNA of China and a pastor of the Protestant church in Mainland China, I am making the following statement on behalf of the UNA of China. The

representative of US government alleged (I quote) "China remains a country of particular concern for its restriction on religious freedom" (end of quote). In order to reveal the true situation, I would like to provide some figures. In 1949 when the PRO was founded, the total number of Protestant believers in Mainland China was 700,000. By 2001, there were over 15 million baptized Protestants, 16,000 churches, 32,000 meeting points, over 2000 ordained pastors, and around 4000 graduates from seminaries and Bible schools.

Also by 2001, China Christian Council had printed and distributed over 28 million copies of Bible in Mandarin and ethnic languages, including braille language. Just think about it. How can the Church under persecution grow so fast? How can the Church under persecution train so many pastors and theological students, construct so many churches, and print and distribute so many copies of Bible? If the legal rights of Chinese Christians are not properly protected by the Constitution, how are we able to conduct and attend Christian services freely and evangelize effectively? Mr. Chairman, taking the opportunity. I'd like to express Chinese Christians' attitude toward Falungong. We are against Falungong. The reasons are as follows:

- In accordance with the Bible, Chinese Christians believe that God is love. Christians shall follow Jesus in loving neighbours, the entire human race created by God, and in sacrificing our own lives for our compassion to others. The Falungong fallacy, however, is full of hatred, hatred to the society, and also hatred to those who have different understandings toward Falungong. It is because of its evil preaching that some of the Falungong practitioners conducted extreme behaviour. They killed their parents, spouses, children, and themselves in order to reach what they called "nirvana" or perfection. According to incomplete statistics, Falungong extremists have committed 1,700 homicide and suicide.

- Chinese Christians emphasize that a faithful Christian shall bear witness to Christian faith, be the light and salt in the society, and be law abiding. The reason is that good deed is the seed of the Gospel. On the contrary, Falungong group accumulates money by illegal publication, tax dodging and tax evasion. Falungong practitioners were instigated to attack those who held a different viewpoint, and even intimidate those who criticized its ill teaching.

- Chinese Christians believe that God is the God of peace. Therefore, we strongly oppose to any teachings or behaviours that may cause social instability or disturb people's harmonious lives.

30. The statement of the representative of **China Society for Human Rights Studies** reads as follows :

I speak on behalf of the China Society for Human Rights Studies. I'd like to share with you my feelings towards the criticisms of China's human rights record. Countries accusing China's human rights violations happen to be those which waged wars against China and severely and massively violated the human rights of the Chinese people in history. As a Chinese, I could not help asking: how can I trust one who claims to be concerned about my rights today but infringed upon my human rights yesterday?

On March 6 I asked an American diplomat in Beijing who was responsible for drafting the China section of the 2001 US State Department Human Rights Report, "how can the Americans make the Chinese believe that they sincerely care about human rights in China after US bombed the Chinese Embassy in the former Yugoslavia and its espionage plane ran into a Chinese aircraft and caused the life loss of the Chinese pilot?

Mr. Chairman, the past decade witnessed China being scrutinized of its human rights record at this forum. However, it was during that time that China scored rapid economic growth with its people enjoying human rights and freedoms. As a Chinese, I'm wondering: why are there more criticisms on China when China is becoming increasingly prosperous and the Chinese people leading a healthier, better off and happier life? The progress made by China over the past two decades is not because of the accusations of some western countries but because of the long-time efforts of the Chinese people. For those who would be happy to see China being chaotic and collapsed, have they thought about the consequences of China's collapsing? If China is in chaos, what will the world be like? Is there any country in the world which can raise an extra of 1.3 billion people? If 1.3 billion Chinese become refugees, which country is able and willing to accommodate them? A turbulent China means a disaster to the world.

Mr. Chairman, China has 56 nationalities, 5 religions and 1.3 billion people. China managed to raise a population accounting for 22 percent of the world total with 7 percent world arable land. Over the past two decades, China has helped 220 million people out of poverty. Today China maintains social stability with its 56 nationalities living together harmoniously. Chinese people's living standard has kept improving and the Chinese people enjoy unprecedented rights and freedoms. These are the progress China has made in the field of human rights. China's significant contribution to the world human rights and the world peace, stability and development should be appreciated by all countries and people who uphold justice and are genuinely concerned about human rights.

31. The statement of the representative of **Worldview International Foundation** reads as follows :

The distinguished Chinese Ambassador told this Commission under this Item that today Chinese communist legal system "provides effective guarantee to the full enjoyment of autonomy, democracy, human rights and freedoms by Tibetans."

While we welcome the promise of the Chinese authorities to make more effort in the "cause of human rights," we wish to remind this Commission about the actual reality of the human rights situation in Tibet.

- In the year 2001, the Tibetan Centre for Human Rights and Democracy based in India was able to identify 254 political prisoners in Tibet. Ngawang Sangdrol a Tibetan Buddhist nun is serving a sentence of 21 years for exercising her right to freedom of expression and opinion. Ngawang Phulchung a Tibetan monk is serving an 18-year sentence for distributing a Tibetan translation of the Universal Declaration of Human Rights.

- In May 2000, the UN Committee Against Torture expressed concern about the "continuing

allegations of serious incidents of torture, especially involving Tibetans and other minorities.~ 10 such deaths of Tibetan political prisoners as a result of torture were recorded in 2001.

- On 25 April this year, the Eleventh Panchen Lama of Tibet turns 13 as he enters the seventh year of detention at an undisclosed location. The Chinese authorities are refusing international observers to have access to him to ascertain his well-being.

- Unconfirmed reports emerging from China say that Beijing is targeting a settlement of 20 million Chinese into Tibet in the coming decades to consolidate its control over Tibet. The construction of new railway lines to central Tibet is one of vehicles to transport these settlers.

- In 2001, the UN Committee on the Elimination of Racial Discrimination expressed concern with regard to the "freedom of religion by people belonging to national minorities, particularly in Xinjiang and Tibet, China now conducts an official campaign to transform Tibet into an atheist region and propagate the so- called "communist spiritual civilization".

Mr. Chairman, the issue of Tibet, is the question of the survival of the distinct religious, cultural and national identity of the six million Tibetan people. It is for these reasons that the Dalai Lama has been calling for earnest negotiations with the Chinese leadership to reach a peaceful negotiated settlement. However, the Chinese authorities refuse to open such negotiations on Tibet, although at this Commission, the Chinese delegation repeatedly appeals for dialogue to resolve differences on human rights. On 10 March this year, the Dalai Lama said: "The present state of affairs in Tibet does nothing to alleviate the grievances of the Tibetan people or to bring stability and unity to the People's Republic of China. Sooner or later, the leadership in Beijing will have to face this fact. On my part, I remain committed to the process of dialogue. As soon as there is a positive signal from Beijing, my designated representatives stand ready to meet with officials of the Chinese government anywhere, anytime.

Mr. Chairman, I conclude this statement with an urgent appeal to the Commission to help the Tibetan people to achieve an end to the daily human rights abuses in Tibet. The Commission's credibility will be enhanced if the human rights situation in Tibet and China is considered impartially. By adopting a resolution on China at this year's session, this room can send a message of solidarity and hope to all the political prisoners held by the Chinese authorities.

32. The statement of the representative of **International Human Rights Association of American Minorities** reads as follows :

I make this statement today as an associate of the International Human Rights Association of American Minorities, (IHRAAM), to bring to your attention the fact that in my country, the United States of America, children are being prosecuted as adults - and even being sentenced to life imprisonment or death for crimes committed as a child in violation of their international human rights, as protected under the International Covenant on Civil and Political Rights. and, should they ratify it, the Convention on the Rights of the Child.

Let me quickly point out, as the spiritual leader and minister for Nate Brazill Jr.,the 14 year old child that was convicted for the shooting of his teacher, I witnesses first hand the paradox of trying a young child as an adult The child seemed puzzled and in a state of shock as if trying to comprehend and decipher the legalities and operations of the court system. Even more appalling was the spectre of the opposing skilful, trained and aggressive attorney ripping the child apart for impeachment purposes. It was like a match between a Giant and a Midget How can anyone view this as fair or just.

The Judge appeared to be over-burdened by seeking to find justice for a child, one that committed an adult act but with a child's mind. Nate's mother's was overwhelmed with emotions, seeing her 14 year old son being brought into court every day by 3 or 4 burly law enforcement officers. Not to mention the fact that this 14-year old child was shackled at his ankles every single day. Sounds like an adult prisoner to me. Then, try to imagine the situation of the jury, faced with the impossible task of attempting to get into the mind of a child. The youngest juror would have been 20 years older than Nate, and the eldest was probably 35 years older. Now, you tell me, how a 35 year old adult can become a 14 year old child in the twinkling of an eye? How can such a jury deliver justice on one who is certainly not one of their peers?

The jury had two basic choices: send this child to prison for life without the possibility of a parole or give him a long-term sentence. Although the jury on the first take had voted to send this child to prison for life, after much soul-searching, they sought the lesser of the two evils. Needless to say, Nate Brazill Jr.'s, human rights were violated. When he gets out of prison, he will be a 37 or 38 year old adult. All of his youth and productive adult life as a citizen will have gone down the drain at the growing age of 14.

As many have said, children are the greatest gift of them all. When we get to the point where we no longer seek to discipline, train, rehabilitate and save our children, then we are doomed as a civilized and just society. The whole world knows that the juvenile system of any civilized nation should be designed to work with its children and not work on them; never to lock them up for life or execute them at a tender age of 17. When some sectors of any society start advocating
treating children like hardened criminals, deserving of life in prison without parole, or long-term prison sentences, or death sentences (for crimes committed under the age of 18), then they are violating the basic inalienable rights of children.

I believe that the children of America are no better or worse than any child in the world. Regardless of the country or culture, a child is a child. A child is a child physically, mentally, emotionally, morally, socially, and must be treated as such.
Therefore, if just about every country in the world can sign on to the rights of the child, then Americans should understand that our nation is out of sync and step with the rest of the world.

We come to this international body to make the world aware of the situation of children in the American justice system, and to deliver a moral appeal for your .help. Teach us, and help us guide our country to get back on track with juvenile justice and human rights for the

child..... Help us to touch Americans conscience, to raise its awareness that human dignity fairness demands that the children of America not be subjected to a system which assigns them to an Adult Correction system, where as adults, they can be and are given the death penalty and life sentences without parole. How can we even compare such treatment to that recommended by the Convention on the Rights of the Child, which is expressly focused on the well-being of the child, which stipulates in Article 37(b) that "The arrest, detention or imprisonment of a child shall be... used only as a measure of last resort and for the shortest appropriate period of time."

The Coordinating Council on Juvenile Justice and Delinquency Preventive, Nov, 2000, reports some startling facts. As of June 2000, 74 adults, ranging in age 18 to 41 years old, remain on death row for crimes committed as juveniles, 73% of these committed their crimes at age 17, nearly one-third at age 15-16 years old. Clearly, we are not talking about rare and isolated cases, but about a policy decision which is impacting a significant number of children.

Now, as we take a closer analytical look at some of the facts and statistics, hopefully, it will serve as a launching pad for you to go home more determined than ever to see that the human rights of the child must never be violated and left unchecked anywhere in the world. In 1998, Amnesty International (AJQ reported about 200,000 children a year are prosecuted as adults and more than 11, 000 children are in prisons or other long-term adult correctional facilities. Contrary to the assurances of the US government, Al found widespread prosecution of juveniles in the general criminal justice system. Thirty-eight states have reported in 1998 that they house children in the general population in adult facilities and provide no special programs for young prisoners. Children as young as 13 have suffered such a fate.

Young people in prison are notoriously a target of physical and sexual abuse by adult inmates. Yet the ICCPR, which was ratified by the US, specifically requires under article 10(2)(b) that children should be kept apart from adult inmates. But when it ratified the International Covenant on Civil and Political Rights, the US reserved the right to imprison children with adults in "exceptional circumstances" and defended the reservation by saying that this would only happen to "older" children. Contrary to these assurances. Amnesty International has found that in many US states it is, in fact, common and not exceptional for children who have been prosecuted to be imprisoned with adults.

Florida, one of the first US states to give prosecutors the right to direct file juvenile cases continues to be the most aggressive in prosecuting juveniles in criminal court with 6,525 cases (either direct filed or waived) cases in 1998.

According to 1998 figures provided by Amnesty International:

- About 200,000 children a year are prosecuted as adults
- At any time, about 7,000 children are held in adult jails before trial
- More than 11, 000 children are in prisons or other long-term adult correctional facilities.

In addition to the human rights issue for the child, one must also be alarmed at the

disproportionate prosecution of minority youth. Thus, *Youth Crime/Adult Time* and other reports raise serious questions about whether the prosecution of children as adults is acceptable in the United States because a disproportionate number of those children are African American or Latino. Consider this: African-American (43%) and Latino (37%) youth were more likely than White youth (26%) to receive a sentence of incarceration (as opposed to a split sentence or probation). Minority youths are 8.3 times more likely than white youths to be sentenced by an adult court to imprisonment in a California Youth Authority facility. Also violent non-white youth arrestees tried in adult court number at least 2 times more than whites. Please note: Black and Asian youths tried in adult court are imprisoned more often White 46.5%, Hispanic 40%, Black 75.4%, and Asian 67.2%.

We ask the United Nations Commission on Human Rights and the individual Commission experts to seriously consider whether contemporary U.S. criminal justice policies and practices constitute a pattern of ongoing gross violation of the human rights of children* We seek your assistance in pursuing a remedy.

In conclusion, we ask you to heed our call that human rights for all children in the United States must not be put on the back burner... Justice delayed is Justice denied...

Annexe IV

Clustered items 12 and 13
Integration of the human rights of women and a gender perspective
The rights of the child

33. At the 33th plenary meeting, on 10 April 2002, the Commission on Human Rights considered clustered items 12 and 13 of its agenda, entitled "Integration of the human rights of women and a gender perspective" and "the rights of the child" The following statements were provided to the secretariat in written form by those representatives of non-governmental organizations who had indicated their intention of making statements under items 12 and 13, but were unable to do so owing to the emergency measures.

34. The statement of the representative of **Fraternité Notre Dame** reads as follows :

As a NGO serving the poorest persons in the world, Fraternité Notre Dame, is confronted namely by the difficulties of children in great suffering and we would like to make you a part of these few remarks, in order to ameliorate the situation of destitute children in the world.

On behalf of our religious and humanitarian vocation, we receive in our missions thousands of children whose blooming future is dramatically dark, because the societies in which we live have become selfish, regressed, without neither any spiritual values nor active charity, which was the dynamism of our civilizations.

During the past centuries, founders of Orders largely contributed to the development of the economic, humanitarian and the social progress of societies, for a more righteous and fraternal life; if one forgets their considerable works, often done in persecution, the collective memory still keeps names which mark out our societies' calendar.

A good many NGO's have taken after this tradition to ston misery, poverty and to tutor, educate, care for and humanize the hospitals, so that they can replace the Orders that, for the most part, have disappeared today.

There was a time when the youth were receiving a good example from the elderly and where respect and assistance to the aged was sacred. The oldest generations were teaching the youngest. The nuclear family was the pillar of society. Certainly, the family's collapse, the lack of love in the heart of the family are responsible for the destruction of early childhood education. A child who grows up without a family, grows up neither with role models, nor points of reference.

The problems do not only touch the poor children of the underprivileged countries, but also those of the developed countries, where the scourges of illiteracy, prostitution, violence at school and drugs, reign as master. Those battered, temperamental, delinquent, illiterate, and unfortunately as the news shows us through the media, sexually abused children, are the victims of a society which has neither any natural morals nor rules for life. How can a child without any notion of good and evil, without a sense of beauty, truth, work well done, civic

and moral values, respect of his parents and his elders, how can he sanely react in this kind of society.

We are living in this, and other associations are living in it. In the missions of Fraternité Notre Dame, a good number of starving, battered, exploited, unloved and illiterate children, have become violent because victims of selfish, corrupt and materialistic societies, now take refuge in the heart of our homes and in other NGO's.

As other members of NGO's, the missionaries of Fraternité Notre Dame could recount to you, hour after hour, the narratives of physical and moral distress of children, which you might think come out of legends of the Middle Ages. It is because the poor children of the 21st century live less well now than those of many centuries ago.

If we live in a world of sophisticated modernization, which benefits the most wealthy, we live in a world where selfishness has ossified the heart of societies, families and governments. Our societies generate more and more poor people and poor children; poor materially, but poor in spirit. A great ignorance of true values, which cements a society, ravages the youth of our countries at the present time.

Our societies, so called modern, our countries, classified as developed, transmit to them, their mass of illusions, and open doors to all types of delinquency, prostitution, perversion and violence. An alarming sign of our times, the suicide rate in childhood – a period when one can be carefree – is galloping.

The Founder of Fraternité Notre Dame, the Most Reverend Bishop Jean Marie Roger Kozik, opened free structures: soup kitchens, schools, dispensaries and hospitals. This means we welcome thousands of street and "shantytown" children in our homes.

Our Founder is careful, by example to organize for them educational and restful fieldtrips. Birthday meals and Christmas Parties, which are celebrated with individualized attention. Thus, this is how last Christmas in Chicago, over 2000 gifts, were distributed to the children of the neighbourhood where Fraternité Notre Dame is established, as well as in the Harlem Community in New York.

Just seconds before, our street children escaped from death and now have grown up in our establishments in Haiti; they do their studies or make an apprenticeship to integrate social life with a job. St Vincent de Paul, Don Bosco, Ozanam, Father Brottier etc... the known and unknown missionaries comprehended it well, working tirelessly to offer a Christian education to the children, integrating them socially in such a way that they would blossom, often at the price of great sufferings and terrible persecutions, for those founders who worked for the public interest.

Fraternité Notre Dame, thanks to its Founder, opened schools for destitute children, allowing them access to reading and knowledge, facilitating their future integration. We could do more, if we had more help. The results prove it: with love, time, patience, these children can get out of their misery, their violence and have an ideal for life, a qualification and a solid mental health to face the life's difficulties.

We profoundly deplore how many governments and institutions (even religious), prevent the introduction of schools and free orphanages, for poor children, creating now a record of illiteracy.

In Haiti, children coming from the street, from a very infavourable milieu learn how to read in less than a year. We send 300 children to school. Why would one deliberately will this illiteracy, and thus, bar, any future for these children sinking them further down into poverty?

Our so called rich countries, also have their suffering infants: the illiteracy contributes to create future homeless, unemployed adults, begging for a daily meal in our Soup Kitchens. How can we be called a civiiized country, if we leave our neighbour to die of cold and hunger?

The Founder of Fraternité Notre Dame, the Most Reverend Bishop Jean Marie Roger Kozik, with a respectful spirit for others and with unlimited courage, works all over the world, in order to promote a more humanitarian iife, respecting difference and solidarity, without any distinction of race, sex, class or belief.

We are convinced that childhood poverty and its multiple forms of suffering can be stopped at the planetary level if people of good will, join together with minorities, as well as with the larger majority groups of our world.

35. The statement of the representative of the **International Confederation of Free Trade Unions**, reads as follows:

45 % des femmes âgées de 15 à 64 ans sont actuellement employées ou à la recherche d'emploi. La main-d'œuvre se féminise partout dans le monde mais même avec un travail, beaucoup de femmes continuent à vivre dans la pauvreté. C'est le cas de celles qui travaillent dans les zones franches d'exportation ou dans les maquilladoras où les conditions sont extrêmement précaires à tous les niveaux, où les salaires sont dérisoires et où il n'y a pas de liberté syndicale. Les femmes sont bien souvent contraintes d'accepter n'importe quel travail la plus part du temps exempt de toute protection sociale ou de droit et qui est trop souvent dangereux, dégradant, dégoûtant. Les obstacles à l'éducation de base et à la formation professionnelles conduisent les femmes à occuper les emplois de basse qualité. Mais ce n'est pas le seul, les facteurs de discriminations liés aux mentalités, aux traditions et aux cultures sont présents dans toutes les sociétés. Et partout dans le monde les femmes ont les emplois les plus précaires, les moins payés et ont le moins d'opportunité d'occuper les postes de haut niveaux. Le secteur des services public est aussi un des secteurs affectés par la discrimination salariale. Bien que le droit à l'égalité de salaire soit un droit reconnu dans de nombreux instruments internationaux comme la Convention 100 de l'OIT, les femmes gagnent de 10 à 50 % de moins que les hommes et n'occupent qu'un faible pourcentage des postes de direction. En Europe les femmes ne gagnent qu'en moyenne, 73% du salaire horaire perçu par les hommes. Cet écart salarial affecte les femmes tout au long de leur vie et se manifeste dans tous les secteurs et dans toutes les professions.

Alors que le processus de la mondialisation exacerbe la dégradation des droits des travailleuses, les femmes syndiquées montrent leur détermination à lutter contre ces injustices. C'est dans ce sens que la CISL et ses partenaires du groupement « Global Unions » ont lancé, en mars dernier une campagne pour éradiquer la discrimination en promouvant « le droit des femmes à un travail décent ». Cette campagne, destinée à toutes les femmes et plus spécifiquement aux jeunes travailleuses, aux travailleuses migrantes et aux femmes travaillant sans protection ni droits aura aussi comme but de les encourager à s'organiser en syndicats afin de participer activement à l'amélioration de leurs conditions de travail au travers des conventions collectives.

La victoire syndicale remportée dans une usine textile, Yoo Yang d'une des Maquilladoras aux Honduras où la première convention collective a été signée, montre que le changement est possible et qu'on peut trouver un accord sur les questions fondamentales comme la santé, la sécurité, l'éducation, les horaires de travail, le congé maternité et le règlement des conflits.

Le mouvement syndical international est persuadé qu'un salaire et des conditions de travail adéquates pour les postes occupés par les femmes amèneront plus d'équité dans nos sociétés et permettrons une meilleure participation des femmes aux prises de décisions, condition déterminante pour lutter contre la pauvreté.

Avant de conclure, la CISL tient à apporter son soutien au mandat de Madame Cousmaraswamy.

36. The statement of the representative of **Defence for Children International** reads as follows:

Child labour violates the rights of the child as it prevents the full exercise of civil, social, economic and political rights and above all it undermines the child's right to development.

Mr Chairman, despite the increasing international awareness, the almost universal ratification of the UN Convention on the Rights of the Child (Art.32) and the role played by the International Labour Organisation Conventions No. 138 and 182, about 250 million children between 5 and 14 are working full time and 70% of these toil in dangerous environments.[12]

Work becomes harmful when the working conditions are affecting the full exercise of rights, such as the right to education, health and to physical, mental, spiritual, moral and social development as stated in the UN Convention on the Rights of the Child (Art.32).

Defence for Children International has prioritised action on the worst forms of labour and welcomes the ILO Convention No. 182 as a very important tool for action. However, we believe that the Convention does not provide a complete and flexible list of the worst forms of child labour. A focus on children's rights allows for a broader definition, by condemning all those activities that endanger the lives of children and impede their development by

[12] Statistics from International Labour Organisation

violating the rights of the child, as conceived in the UN Convention on the Rights of the Child.

We believe we must include in the worst forms the work performed in hazardous conditions. Examples of such conditions are: separation from the child's family; physical and sexual abuse; excessively long working hours; heavy loads; work performed at night; underground and under water work as in the mine and fishing industries; exposure to pesticides and dangerous tools and equipment as in agriculture; danger in city streets including heavy traffic and pollution.

In addition, we condemn the work that prevents the child from going to school within the worst forms of labour, as it violates the right to education (CRC, Art. 28) and is thus detrimental to the child's development.

Prostitution; commercial sexual exploitation and bonded labour violate the rights of the child to an even more alarming extent and should thus be considered as modern forms of slavery rather than worst forms of labour.

Finally, we are very much concerned about certain groups of working children engaged in activities, which fall beyond transparency. These are: children in domestic work or in certain areas of the informal sector (e.g. retail, restaurants, garment factories) and children working in the rural areas, in particular those employed in plantations and illicit cultivation.

Therefore, Defence for Children International requests the Commission to:

- Urge States Parties to the UN Convention on the Rights of the Child and the ILO Convention No. 182 to develop national legislation, policies and plans of action shaped on the strengths of both Conventions in a complementary process rather than in a condition of 'one excludes the other'
- Urge States Parties to Convention 182 to consider a broader definition of the worst forms of labour, which is based on child labour as a violation of the rights of the child and in particular of the right to development.
- Urge State Parties to commit to the right to education in the elimination of the worst forms of child labour, by addressing labour that prevents the child from attending school among the worst forms

We call on the Commission and on its influencing role to make this issue a concern to be successfully addressed by all actors in the international political arena and in civil society in the name of the best interest of the child.

37. The statement of the representative of **International Peace Bureau** under agenda item 12 reads as follows:

I am Madina Magomadova speaking of the International Peace Bureau. I am also the president of the Association "Mothers of Chechnya for Peace".

Illegal, wild war in Chechnya, second for last seven years, proceeds more than 900 days. The Russian militaries erase from the face of the Earth the small Caucasian people. RF – Russia declares that it thus observes norms of the humanitarian right, International and European charters under human rights. In result 20 per cent of the peace inhabitants in Chechnya were killed, including 40 thousand children, tens thousand became invalids, hundreds thousand became refugees, more than 10 thousand disappeared without a trace.

The cities and villages, hospitals and schools, museums and reserves, mosques and churches are destroyed. The social and economic infrastructure is completely destroyed. In all territory of Chechnya RF - Russia carries out retaliatory reprisals against the peace inhabitants, mass illegal detentions, out of court executes, tortures and murders.

The Chechen women is compelled to become the witnesses of horrible bloody scenes daily performed by the Russian armies. It is the cooked human heads, scalping, it is trailing by the ground of naked corpses tied round by a barbed wire, the people, which have been burnt alive, it is ears and a brush of hands, which have been cut off... Our sons are being burn alive by flame-throwers; their heads are being cut. March 8, 2002 at the outskirts of Starye Atagi village 9 citizens was burnt alive: mister Kuntaev Imran and others.

We, became the witnesses of systematic infringements of the fundamental human rights in Chechnya, as well as in Palestine and in Kashmir.

Here are the basic moments of retaliatory reprisals of the Russian army in Chechnya:

- "Mum, I was delighted, when they leaded us on execution». That was the words of the 16 years boy Idigov Magomed from Atagi, his mother redeemed him from Russian militants. He was tortured together with adults by electric current.
- They rape and kill women and young girls, after this they execute them in front of the members of their families. January 11, 2002 they have outraged the 40 years old pregnant woman from the village Nohch-Keloi, have cut off her head and burnt.
- Special services and militants of RF - Russia carry out mass executions of ours natives and commit outrage against their corpses. January 11, 2002 they executed 5 peace inhabitants of the village of Nohch-Keloi: misters Aslahanov S.-M., Satabaev A., Bahaev Sh., Musaev M., Tuburov H. They brutally scoffed them, applying refined tortures, cut them a throat, then the corpses were combined in the machine, poured by petrol and burnt.
- During retaliatory operations they arbitrary detain peace inhabitants, who are subjected to brutal tortures, and killed, some disappear without a trace. The speaker of Chechen Parliament mister Alikhadzhiev Ruslan was detained at his home May 17, 2000 and disappeared without a trace in the Moscow prison of FSB, as well as tens thousand of others.
- They extort money from Chechen women on exchange of corpses and of non-detention of their sons. The mothers redeemed from Russian militants 50 000 corpses of their killed relatives. More then 100 thousand of our children have passed through the repayment.
- The Russian militarians receive a rank for murder of our sons. More than 100 women have signed the requirement about institution of criminal proceedings against

the murderer – commandant of Urus-Martan region, mister Gadzhiev, and Russia has given him a rank of the general. The Russian general mister Troshev publicly calls to executions of Chechens.

As a result of retaliatory, wild policy of RF - Russia, the Chechen people come to the verge of destruction.

Crimes against the Chechen people are unprecedented even on Balkan standards. The global community must not be reconciled further with the crimes against humanity, which are committing by the Russian army in Chechnya. The war in Chechnya is a war against the civilized world, against its legal and moral standards.

We call the respected UN Commission on Human Rights to accept immediate measures to stop the crimes of Russian army in Chechnya. We call to adopt strict resolution on the situation in Chechnya. Call in your resolution to create International Tribunal for investigation of crimes against humanity and to bring international forces in the region for protection of peaceful population.